



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

WORKSHOPS

5:00 P.M.

The Town Council will meet with the Town Manager and Don Gerrish from Eaton and Peabody to discuss the process for the Town Manager search.

6:00 P.M.

The Town Council will meet with the Town Manager and Department Heads to discuss the FY'17 budget.

May 23, 2016

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
 - a. Town Manager's Comments
 - b. Introduction of the Chief of Police
7. Acceptance of Previous Minutes – 5/9/16 regular meeting
8. Interviews for the Board of Appeals and Planning
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.
 - a. (050316-1) The Kittery Town Council moves to recognize the recipients of the 2016 Educational (Recycling) Scholarships.
 - b. (050316-2) The Kittery Town Council moves to approve funding \$15,735 to complete the proposed 2016 Spruce Creek Sampling Project for continued water quality analysis in the Spruce Creek watershed for 2016 and to authorize an alternative procurement method to select FB Environmental Associates to complete the work.
 - c. (050316-3) The Kittery Town moves to authorize the tax collector and deputy tax collectors to accept the prepayment of taxes for fiscal year 2017 that are not yet due or assessed.

d. (050316-4) The Kittery Town Council moves to authorize in accordance with article #4, that was voted on at the June 9, 2015 Town Meeting, the release of funds from unassigned surplus (unencumbered surplus) in the amount of \$37,000 for the purpose of providing matching funds for the LWCF Grant award and to appropriate said funds to be deposited into Fund #2078-43510 Athletic Fields Master Plan.

10. PUBLIC HEARINGS

a. (050316-5) The Kittery Town Council moves to hold a public hearing on a renewal application from Capital Video Corporation, 44 Bedson Road, Cranston RI for a Viewing Booths License for Amazing.net, 92 Route 236.

b. (050316-6) The Kittery Town Council moves to hold a public hearing on an application from Maine-ly Meatballs LLC, 41 Myrtle Street #1, Westbrook ME 04092 for a Victualer's License for Maine-ly Meatballs, Kittery Premium Outlets #4, 345 US Route 1.

c. (050316-7) The Kittery Town Council moves to hold a public hearing on an application from Beth Robinson, 8 Kilrea Road, Derry NH for a Victualer's License for New England Style Snowballs, Kittery Premium Outlets #4, 345 US Route 1.

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

a. Donations/gifts received for Council disposition

b. (050316-8) The Kittery Town Council moves to approve the disbursement warrants.

c. (050316-9) The Kittery Town Council moves to approve an application from Frisbee's Holdings LLC, 5 Milano Drive, Saugus MA for a Malt, Spirituous and Vinous Liquor License for Pepperrell Cove Restaurant, 90 Pepperrell Road.

d. (050316-10) The Kittery Town Council moves to accept the resignation from Craig Wilson as a citizen representative from the Comprehensive Plan Update Committee as a result of his appointment as the Board of Appeals Representative.

e. (050316-11) The Kittery Town Council moves to appoint Marissa Day to the Comprehensive Plan Update Committee as a citizen representative until 12/31/16.

f. (050316-12) The Kittery Town Council moves to accept the resignation of Paul Lucy from the Personnel Board.

g. (050316-13) The Kittery Town Council moves to authorize the Kittery Block Party Committee to place a banner across Rogers Road in front of the Community Center and signs at the following locations: Rice Public Library – each building site; Bob's Clam Hut; York Hospital Kittery; Kittery Trading Post; Kennebunk Savings and Lil's Café, from June 6th through June 20th 2016, and to post directional signs/arrows in the traffic circle and other spots around town to advertise the Kittery Block Party.

h. (050316-14) The Kittery Town Council moves to schedule a public hearing to be held on June 13, 2016 to extend the contract with Eaton Peabody for the Town Manager search.

i. (050316-15) The Kittery Town Council move to approve the Police Supervisor's labor contract to expire June 30, 2017.

j. (050316-16) The Kittery Town Council move to approve the annual renewal list for Victualer's Licenses.

k. (050316-17) The Kittery Town Council moves to approve the annual renewal list for Amusement Devise Licenses.

l. (050316-18) The Kittery Town Council moves to approve a one day extension of the service area of the premises externally on the current liquor license for the Black Birch, from 9:00am – 10:00pm for the Kittery Block Party on June 18, 2016.

14. COUNCILOR ISSUES OR COMMENTS

15. COMMITTEE AND OTHER REPORTS

- a. Communications from the Chairperson
- b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: May 19, 2016



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cgranfield@kitteryme.org

Carol M. Granfield

Interim Town Manager

Town Manager's Report to the Town Council May 18, 2016

1. **New Hires** – Our new Police Chief Soucy started on Monday, May 16 and we also held a Swearing In ceremony that afternoon that was well attended by the Chief's family, friends, colleagues, Town Department Heads and some Town Councilors. Additionally, two new dispatchers started the same day which will greatly assist our dispatch operation with having a full staff.
2. **Audit Award** – I anticipate awarding the Town Audit to RHSmith & Company of Buxton ME. We received five bids and the Town and School jointly interviewed two companies and agreed in RHS. The school plans to present this at the June 7 School Board meeting.
3. **Town Manager Search Award** – Three proposals were received and a contract was awarded to Eaton-Peabody in the amount of \$7,500 plus expenses.
4. **Town Hall Defibrillator** – In response to a report by Councilor Denault, the defibrillator in Town Hall was checked and while it may have seemed hard to open it was not locked. I did open it and it is working fine and can be used in case of an emergency.
5. **99 State Street Sign (The Smoke Shop)** – Questions were asked about the many signs on the building. One freestanding sign had been approved and it has not been installed and all of the other signs have been removed.
6. **Town Council Training Session** – All Town Councilors attended and participated in the recent training session that was facilitated by Pam Plumb. The session provided some excellent information and methods to assist the Town Council with working together as a team as well as discussed the roles of Town Council and Town Manager. The session will be most helpful with the hiring of a new Town Manager. We have additionally posted the notes of this workshop on the Town website if the public is interested in reviewing it.
7. **Sewer Betterments** – I have begun to work on exploring various options, formulas and possible ordinance changes that may assist with having a more equitable system for assessing sewer betterments. Once fully analyzed I will provide the Town Council with some recommendations of solutions to the current situation. I have found that Kittery does not qualify for the initial grant discussed that was mentioned at the public meeting and will further expand when I report.
8. **Fort Foster** – I have submitted the request for free passes for senior citizens to the Parks and Recreation Advisory Committee for review and recommendation. Additionally, as we continue to have some discrepancies on the current policy, I will be working with staff to review and make some recommendations to the Advisory Committee to review and then have them make recommendations to the Town Council, as it is my understanding that is the current process.
9. **Channel 22 – Cable** – I continue to be in contact with Compact and I'm pleased to report that we will soon be having background music on the channel when we have our bulletin board with notices; we will be moving forth with work needed at the KCC to live coverage; and lastly have been advised following some negotiation that if the Town agrees to amend the current agreement in two to three sections, Comcast will in effect waive certain requirements in the current one channel and extend another channel

that could be used for all types of programs beyond government meetings. In order to do this the agreement would need to be extended for 2-1/2 years. This might be a viable option, as then if substantive changes are desired in the future more time could be spent to evaluate the entire franchise agreement. With this amendment, it would enhance the programming ability on a dedicated additional channel. Please advise of your preference, if you desire that I proceed with such an amendment.

10. **Snow Plow Rodeo** – I am pleased to report that our DPW folks won first and third place in the County Snow Plow Rodeo – they will then move on to the State level – Congratulations!
11. **MMA Legislative Policy Committee** – Nominations are now being taken if anyone is interested in being nominated to serve on the MMA's Legislative Policy Committee (LPC) over the next two-year period. Information has been provided in your package.

Respectfully Submitted,

Carol

Carol M. Granfield

1 1. Call to Order

2 Chairperson Beers called the meeting to order at 7:01 p.m.

3 2. Introductory

4 Chairperson Beers read the introductory.

5 3. Pledge of Allegiance

6 Chairperson Beers led those present in the Pledge of Allegiance.

7 4. Roll Call

8 Answering the roll call were Chairperson Gary Beers, Vice Chairperson Charles Denault,
9 Councilors Frank Dennett, Russell White, Kenneth Lemont, Judith Spiller, and Jeffrey Thomson.

10 5. Agenda Amendment and Adoption

11 Chairperson Beers requested to add Item 12k to read as follows: "The Kittery Town Council
12 moves to approve Kittery Community Market's request to hang two banners: one at Post Office
13 Square from May 23, 2016 to October 5, 2016; and, one over Rogers Road in front of the Kittery
14 Community Center, on or about May 23, 2016, for the season, to be replaced as necessary for
15 other approved banners; and, its request to place directional signs at 20 locations around Kittery
16 and Kittery Point, to direct people to the Market each week from June 4, 2016 to October 2,
17 2016."

18 Agenda was adopted as amended.

19 6. Town Manager's Report

20 Town Manager Granfield reviewed her written report.

21 New Police Chief – All information regarding the background check on Mr. James Soucy has
22 been completed. Mr. Soucy will begin work on Monday, May 16, 2016 and his swearing in
23 ceremony is scheduled that afternoon in the Council Chambers. All are welcome to attend the
24 ceremony. Mr. Soucy has been encouraged to attend the next Town Council regular meeting.

25 Chief Short Retirement – Chief Short will assist transitioning his duties to the new Police Chief
26 on May 16, 2016. His retirement ceremony will be held on May 20, 2016 from 3:00-5:00pm in
27 the Kittery Community Center STAR Theatre.

28 Portsmouth Naval Shipyard Traffic – Chief Short and Town Manager Granfield had a positive
29 meeting that provided alternative suggestions to mitigating traffic. A memorandum of
30 understanding is underway. The bridge work at Gate 1 is almost complete and Gate 1 will be
31 closed from June – August, except during peak traffic times.

32 Japanese Visitors – The visitors Japan had a positive experience. The Council and department
33 heads were involved in various aspects.

- 34 Town Council Training Session – The training session will be held on May 10, 2016 at 4:30pm
35 in the large conference room.
- 36 Cable – An official letter of request was sent to Comcast for an additional channel. Once final
37 approval has been made, the staff can work on running the live channel and establishing a studio
38 at the Kittery Community Center.
- 39 Crosswalk – The commissioner of public works will review the area at the end of Rte 103 to add
40 a crosswalk once the overlay is complete.
- 41 Arbitration – The arbitrator concluded that the Town did not violate a collective bargaining
42 agreement during the termination of an employee.
- 43 John Paul Jones Park – A report was included in the agenda packet regarding the agreement for
44 Kittery to assume ownership of John Paul Jones Park. Mr. Norman Albert was present to
45 entertain questions on the topic. The maintenance agreement has ended and thus, a new interim
46 agreement is being pursued. The Town does not have full funding for maintenance and will seek
47 an agreement with the State to cover major costs.
- 48 Streetlights – The Police Department can address issues with streetlights.
- 49 Website – Updates and corrections to the website have been underway. The staff are exploring
50 options to assist with administrative duties to include part-time assistance on an interim base.
- 51 Town Manager Granfield reported items not included in her written report.
- 52 Spruce Creek – The motion to approve funding for the proposed 2016 Spruce Creek Sampling
53 Project was put on hold in April. Since then, most of the questions from Town Council and staff
54 have been answered.
- 55 Sewer Betterment Workshop – One of the charges from the Town Council to Town Manager
56 Granfield was to proceed with evaluating the various options. The residents provided great
57 information and Town Manager Granfield felt a resolution can soon be proposed. Until then,
58 sewer billings will not be sent.
- 59 Chairperson Beers asked the precise location of the proposed sidewalk on Rte 103. Mr. Albert
60 explained it lies at the property abutting the Fort McClary light tower. The plan includes
61 connecting that sidewalk to Crockett Neck Road. It will be directed across the street so that
62 pedestrians walking towards Town center will face traffic.
- 63 Chairperson Beers requested that a written report to include responses to staff and Town Council
64 questions to FB Environmental – Spruce Creek Issues be provided before Council takes action
65 on the project.
- 66 Councilor Dennett requested that the agreement referenced in the report from Mr. Albert be
67 provided..
- 68 Vice Chairperson Denault requested to Town Manager Granfield to add a quick link on the
69 website for reporting street light issues.
- 70 Councilor Spiller asked Town Manager Granfield to confirm her statement in that no betterment

bills would be released until a resolution was found. Town Manager Granfield confirmed in the affirmative. She explained that it would be best to review all the various options discussed at the workshop before sending out billings. Councilor Thomson added that once a solution has been identified, a public hearing and appeal process would take place.

Councilor White asked whether the topic discussed regarding John Paul Jones park avails itself to an agenda item for next regular meeting. Town Manager Granfield responded that it should be and once communication is received from the State, then Town Council can proceed with discussion or action.

7. Acceptance of Previous Minutes

Special Meeting 3/9/2016

Hearing none; the minutes were amended as adopted.

Regular Meeting 4/11/2016

Line 83, 112, 117 – replace “Fritzy” with “Fritzsche”

Line 146 – replace “prosay” with “pro se”

Line 180 – replace “Councilor” with “Council”

Line 194 – replace “Way” with “Road”

Line 294-295 – Add the motion and voting of Item 13a.

The minutes were amended as adopted.

Regular Meeting 4/25/2016

Line 77 – replace “mehtod” with “method”

Line 137 – replace “Braveheart” with “Brave Boat Harbor”

The minutes were amended as adopted.

8. Interviews for the Board of Appeals and Planning

Planning Board until 11/30/2016

- Brett Costa

Mr. Costa explained his experience and background relevant to the Planning Board interview. He has been involved in the Board of Appeals for 14 years. It was his sincere wish and hope for all to put differences aside and come up with good ideas for the Town. He wished only good for the Town and planned to be a long-term resident. He felt that each relationship is built on those involved with no outside influences. He felt his background qualifies himself in the areas that Planning Board deals with and would like to serve in that fashion.

The interview was opened up to the Council for questions.

Councilor Dennett asked if Mr. Costa serves on any other boards. Mr. Costa indicated he sits on the Comprehensive Plan Committee.

Councilor Spiller asked to explain the role of the Planning Board. Mr. Costa replied the Planning Board formulates ideas to steer the direction of the Town. What the comprehensive planning committee proposes is dependent on what the Planning Board would acquire and put to action.

Councilor Spiller asked how Mr. Costa would react when faced with an ordinance that he doesn't

109 agree with. Mr. Costa responded that after 14 years on the Board of Appeals, he has learned to
110 try and remove his own biases and focus in a neutral fashion with respect to rules and laws of the
111 State to make a decision he is comfortable with. Mr. Costa confirmed to Councilor Spiller that he
112 would vote in line with the ordinance regardless of how much it didn't agree with his personal
113 opinion.

114 Vice Chairperson Denault asked if Mr. Costa is comfortable with a short appointment until
115 November. Mr. Costa replied in the affirmative.

116 Vice Chairperson Denault asked to describe how Mr. Costa would respond in a conflict of
117 interest. Mr. Costa replied that he would recuse himself if it was a decision he could not get past.
118 Vice Chairperson Denault asked if Mr. Costa would clearly state that there was an organizational
119 conflict of interest in that type of situation. Mr. Costa replied yes.

120 Councilor White asked if the Planning Board meeting interfere with his job. Mr. Costa replied
121 no.

122 Councilor White asked if Mr. Costa can attend all the meetings. Mr. Cost replied yes, and that
123 the site walks may have to be scheduled on his own time.

124 Councilor White explained that site walks are noticed public meetings and conducted like a
125 mobile Planning Board meeting. He asked if Mr. Costa attended site walks on Board of Appeals.
126 Mr. Costa explained that site walks were available on the Board of Appeals, but attended only a
127 few since he usually knew the properties that were involved. He added that he is familiar with
128 the rules of site walks.

129 Councilor White asked if there were any instances where Mr. Costa felt he did not follow the
130 proper procedure or ordinance. Mr. Costa replied no. He added that there was one decision that
131 perhaps not everyone agreed with. He stated his reasoning in that decision was based on the
132 parameters of the maximum value did not equate to reasonable value. He felt the status quo of
133 variance decisions in the Town has been if you can "put a picnic table on it, it is a reasonable
134 return". He planned to apply the same values to minimum return as to maximum return.

135 Councilor White asked what type of training he received from the Board of Appeals. Mr. Costa
136 was able to attend a couple seminars.

137 Councilor White asked whether Mr. Costa would you apply the law's interpretation versus
138 personal knowledge. Mr. Costa replied yes.

139 Councilor White asked if Mr. Costa would be comfortable voting in a manner contrary to own
140 personal opinion. Mr. Costa replied yes. He added that he has gained experience with this
141 through his time serving the Board of Appeals.

142 Vice Chairperson Denault noted that in 14 years Mr. Costa has been appointed to several
143 councils. In that entire period, Vice Chairperson Denault asked if he only voted once opposed.
144 Mr. Costa confirmed yes.

145 Councilor Thomson felt that Mr. Costa's response to Councilor Spiller and Councilor White
146 appeared contradictory. He further explained that in a decision made last year, Mr. Costa was
147 comfortable voting in the affirmative to a situation that was contrary to existing case law. Mr.

148 Costa replied that variances are given out sparingly. In his experience there was no variance
149 granted.

150 Vice Chairperson Denault asked to clarify the voting on the particular decision Councilor
151 Thomson referred to. Mr. Costa replied it was a 5-1-1 voting with himself opposed.

152 **A MOTION WAS MADE BY COUNCILOR DENAULT TO APPOINT BRETT COSTA**
153 **TO THE PLANNING BOARD TO A TERM EXPIRES ON 11/30/2016, SECONDED BY**
154 **COUNCILOR DENNETT.**

155 Councilor White noted that Mr. Costa has not been approved by the Town Council for this
156 appointment twice in the past. This reminded him of Mr. Brock who had a similar situation. In
157 that overall assessment of that time period, the Planning Board has not followed its responsibility
158 to place the most qualified candidate on the Planning Board. Nonetheless, Mr. Costa has given
159 service to the Town and appears in good faith. He regretted that Mr. Brock did not apply and that
160 the Planning Board needs someone with his qualifications. Councilor White wanted the Town
161 Council to weigh all the applicants and was inclined to vote in favor of Mr. Costa knowing the
162 term is short and paying attention to any concerns that could arise.

163 Councilor Lemont admired Mr. Costa's application. He felt that Town Council should review the
164 applicant process to be more effective since he felt it isn't right to have applicants come before
165 the Town Council.

166 **ROLL CALL WAS TAKEN WITH COUNCILOR SPILLER OPPOSED. MOTION**
167 **CARRIED 6/1/0.**

168 Chairperson Beers indicated Mr. Costa needed to see the Town Clerk to take his oath of office.

169 9. All items involving the town attorney, town engineers, town employees or other town
170 consultants or requested officials.

171 a. (050116-1) The Kittery Town council moves to receive a presentation of the FY'17
172 Municipal Budget from the Interim Town Manager.

173 Town Manager Granfield's presentation included the following statements:

- 174 • Town Manager Granfield noted that Town Manager Puff started the budget process and
175 she finished the modifications with the help of the Finance Director.
- 176 • Budget Overview
 - 177 ○ Overall expenditures are projected to increase 2%, which excludes the new debt
 - 178 ○ School Dept. Tax Appropriation request increased by 2.18% over FY 2016. A
 - 179 presentation by the School department was delivered recently.
 - 180 ○ The school expenses at 56% of the budget is a reasonable amount.
 - 181 ○ Non-tax revenues are projected to increase by 2.9%
 - 182 ○ Municipal benefits are projected to increase. This is attributed to increases in
 - 183 health insurance. She added that a change in insurance coverage from employee
 - 184 to family is an additional \$20,000.
 - 185 ○ Tax rates are projected to increase by \$0.22 per 1,000 sq. ft. which is about \$101
 - 186 per year.

- Debt increased by \$243,000 (or 2% of the total), which was voted on. This ranged from Capital Improvements for facilities, road infrastructure, and capital improvements.
- Salaries and Wages for most Bargaining Contracts are increased by 2.25%. This attributed to the new Police Chief converting to a full-time position. Also, Town Manager search consulting fees and benefits continue to rise.
- There have been several proposals to increase some positions within the departments from part-time to full-time. There has been no in depth study of those positions and it is recommended that be reviewed. Some of them are union related which would then have to be reviewed by the union as well.
- Source of revenue
 - The largest source of revenue is expected to come from property taxes
- Revenue Sharing & Property Taxes
 - Maine State Revenue is slightly increasing
 - In 2008, there was a change in State of funding which decreased. Property tax is on the rise.
- 2016 Total valuation vs. population
 - Kittery is comparable to Wells in population, yet Wells has a greater tax base. Conversely, in Eliot the tax base is half of Kittery's.
- Average Single family tax bill
 - The tax year is proposed at \$15.89 per 1,000 sq. ft. equating to an average tax bill of \$5,117 per year.
- Unassigned fund balance
 - The Towns' policy is to maintain an amount to cover 2-2½ months of expenses for operations. We have met that criteria. If the balance drops below this threshold, the capital program budgets would be utilized.
- Budgeted expenditures
 - Municipal Salaries and benefits account for approximately 56%, which is reasonable given the standard ratio is 60%.
- Budget employee benefits
 - The total benefits and medical expenses has consistently increased in the past.
- Departmental budgets
 - Administration department proposed an increase.
 - Town Council has a large budget, which is not increasing. This covers the costs associated for conducting the Town Council meetings.
 - Elections budget expect to increase with the presidential elections forthcoming
 - County Tax expect to decrease slightly
 - Assessing is a part of the Planning department. The Town had a contractual service and this seems to work fine
 - Debt and Interest increase is due to the bonds that were approved.
 - Police department expect an increase in budget mainly due to full-time Police Chief versus part-time shared Police Chief. One of the staffing requests was to move an administrative position to full-time, which will be considered in the middle of next fiscal year.
 - Fire department expect to increase their operations and maintenance budget for pay and bonuses.
 - Highway with DPW carried forward \$10,000 of unused funds mainly due to snow

- removal and replacement and technical training operations and highway
- Parks expect no significant changes.
- Community agencies expect a slight decrease.
- Planning/Code has a fairly similar budget with no significant changes. There is a position that spends 13 hours on Shoreland and the rest with Enforcement. It has been a part-time position and could warrant a full-time position.
- Library expect the usual maintenance for only normal operations and maintenance
- Recreation has accomplished a lot with the Kittery Community Center. The increase in part-time staff and has been absorbed within department.
- Port Authority consists of general operations, maintenance, and replacement of facilities
- Resource Recover Facility has decreased by about \$30,000. This was based on an assessment of what was actual spent in years past.
- Debt and school debts shows expirations expected in the years 2024, 2027, and 2028.
- Single family tax bill has been \$15.22 in FY13, \$15.52 in FY14, \$15.67 in FY15 per 1,000 sq. ft.
- Summary
 - The proposed budget is fairly balanced.

Vice Chairperson Denault inquired on the part-time positions that were requested to be full-time and expressed his concern for one situation in particular. Town Manager Granfield clarified that all the positions discussed were requested, but not recommended. Vice Chairperson Denault mentioned there is a position currently without a job description. Chairperson Beers recommended that the situation be raised outside the meeting to allow Town Manager Granfield enough time to properly respond. He added that the Shoreland Resource Office position was established in 2010. Town Manager Granfield responded that she can research the situation. She suggested that revising the process would be positive. She felt that a position in human resources is imperative for the size that the Town is. Whether the position in question was added the proper way would be best answered by the hiring officials at that time. Chairperson Beers felt that the technical protocol should be followed.

Councilor White thanked Town Manager Granfield for the good budget proposal.

Councilor Thomson equated the tax increase to 1.4%.

Chairperson Beers noted that the portion of the school budget was nearly 70% and now it is 56%. In the past, this department experienced no decreases, where the town had. The school would receive the funds they requested which is a positive situation.

Chairperson Beers stated that Kittery accounts for the lowest number of Town employees per capita in Maine. His calculations suggest that an additional 38 employees would be necessary to meet the average ratio. He felt the Town has an understaffed and overburdened workforce that still provides quality services. In his opinion, this shows that the Town is in need of more staff assistance.

10. PUBLIC HEARINGS

- a. (050116-2) The Kittery Town Council moves to hold a public hearing on the

277 application of Fahrenheit 225 LLC, 183 Webber Ae, Lewiston, Maine for a Victualer's for
278 Fahrenheit 225, 10 Shapleigh Road, Post Office Square.

279 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers
280 closed the public comment.

281 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
282 **APPLICATION OF FAHRENHEIT 225 LLC, 183 WEBBER AE, LEWISTON, MAINE**
283 **FOR A VICTUALER'S FOR FAHRENHEIT 225, 10 SHAPLEIGH ROAD, POST**
284 **OFFICE SQUARE, SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN**
285 **WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

286 b. (050116-3) The Kittery Town Council moves to hold a public hearing to approve and
287 hereby ordains an ordinance entitled "Ordinance Approving Additional Local Funds for School
288 Budget for Fiscal Year 2016-2017."

289 Notice of the public hearing was posted on April 21, 2016. Chairperson Beers opened the floor
290 for public comment. Hearing none; Chairperson Beers closed the public hearing.

291 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND HEREBY**
292 **ORDAIN IN ACCORDANCE WITH THE SEPARATE APPROVAL REQUIREMENT**
293 **OF TITLE 20-A, SECTION 671-A(5)(B) THAT \$3,067,988.80 BE RAISED AND**
294 **APPROPRIATED IN ADDITIONAL LOCAL FUNDS, WHICH EXCEEDS THE**
295 **STATE'S ESSENTIAL PROGRAMS AND SERVICES ALLOCATION MODEL BY**
296 **\$2,815,855.99 AS REQUIRED TO FUND THE BUDGET RECOMMENDED BY THE**
297 **SCHOOL COMMITTEE, SECONDED BY CHAIRPERSON BEERS. ROLL CALL**
298 **TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

299 c. (050116-4) The Kittery Town Council moves to hold a public hearing to approve and
300 hereby ordains an ordinance entitled "Ordinance Approving School Budget for Fiscal Year 2016-
301 2017."

302 Notice of the public hearing was posted on April 21, 2016. Chairperson Beers opened the floor
303 for public comment. Hearing none; Chairperson Beers closed the public hearing.

304 **A MOTION WAS MADE BY COUNCILOR WHITE TO APPROVE AND HEREBY**
305 **ORDAIN AN ORDINANCE ENTITLED "ORDINANCE APPROVING SCHOOL**
306 **BUDGET FOR FISCAL YEAR 2016-2017" IN THE TOTAL AMOUNT OF**
307 **\$16,197,842.91 WITH ALL ELEVEN SUB CATEGORIES ORDAINED AS PRESENTED,**
308 **SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN**
309 **FAVOR. MOTION CARRIED 7/0/0.**

310 d. (050116-5) The Kittery Town Council moves to hold a public hearing to approve and
311 hereby ordains an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to
312 Dedicated Accounts."

313 Chairperson Beers asked whether, with \$0.00 to be transferred, the ordinance is a technical
314 necessity. Superintendent Hutton responded affirmatively.

315 Chairperson Beers opened the floor for public comment. Hearing none; Chairperson Beers

316 closed the public hearing.

317 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE AND HEREBY**
318 **ORDAIN THAT THE SUM OF \$0.00 BE TRANSFERRED FROM THE SCHOOL'S**
319 **AUDITED 2014-2015 FISCAL YEAR UNDESIGNATED GENERAL FUND BALANCE**
320 **AND BE EXPENDED AS PRESENTED.**

321 **A MOTION WAS MADE BY COUNCILOR THOMSON TO POSTPONE THE**
322 **APPROVAL AND ORDAINMENT ENTITLED ORDINANCE THAT THE SUM OF**
323 **\$0.00 BE TRANSFERRED FROM THE SCHOOL'S AUDITED 2014-2015 FISCAL**
324 **YEAR UNDESIGNATED GENERAL FUND BALANCE AND BE EXPENDED AS**
325 **PRESENTED TO REGULAR MEETING MAY 23, 2016 OR JUNE 13, 2016 IF**
326 **ADDITIONAL PUBLIC NOTICE IS NECESSARY, SECONDED BY CHAIRPERSON**
327 **BEERS. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

328 **A MOTION WAS MADE BY CHAIRPERSON BEERS TO RECONSIDER ITEM 10D,**
329 **SECONDED BY COUNCILOR WHITE. THE MOTION MADE BY COUNCILOR**
330 **THOMSON RETURNED TO THE FLOOR.**

331 The school superintendent clarified that the audit report read that the remaining funding from
332 FY15 was carried forward which resulted in the \$0.00 balance. She thanked the Town Council
333 for their perseverance.

334 **ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

335 11. DISCUSSION

336 a. Discussion by members of the public (three minutes per person)

337 Tricia Robillard

338 Ms. Robillard thanked the Town Council for holding the Sewer Betterment Public Forum. She
339 understood that the budgeting cycle is underway and reminded the need for additional funding
340 towards the sewer project. She hoped that Town Council keep the public informed of any
341 information regarding the grant application referenced at the public forum. She was encouraged
342 by Town Council for re-evaluating the allocation.

343 Kathryn Hawkes

344 Ms. Hawkes felt the Sewer Betterment Public Forum was a productive meeting. She appreciated
345 the clarification that bills will not be sent until the situation is addressed. It is important to keep
346 the budget in line with what was discussed at the forum. The timing of the budget and sewer
347 project discussions may pose an opportunity for a solution to be had.

348
349 Shawn Harris

350 Mr. Harris clarified his statement in the April 25, 2016 Town Council meeting that the focus of
351 attention to the strengths and weaknesses ought to be geared towards the Town employees. He
352 felt that if one fails to learn from their failure, they are doomed to repeat their failures.

353
354 Mr. Harris questioned the bid processes utilized in the past and highly encouraged competitive
355 bidding. He requested a breakdown of past projects and how many were special procurement or

356 competitive bid.

357 Mr. Harris suggest that there be a well-established formula for the betterment fee. Once the costs
358 are finalized, the best methods for containing costs is to continuously adjust. He felt that the
359 project should have been monitored as it evolved, rather than at the end. The efficient method
360 would be the application for progress methods.

361 Brett Costa

362 The feedback from the citizens is good and not good. Mr. Costa stated his wish that the hearing
363 process should start tonight. He thanked the Town Council for their work involving the matter.

364 b. Response to public comment directed to a particular Councilor – None.

365 c. Chairperson's response to public comments

366 Chairperson Beers responded to Ms. Robillard noted that during the budgeting process one of the
367 voted items was the warrant article. As a result of the enactment of that bond referendum, which
368 stated it would not increase the taxes or sewer rate, allocating appropriations from the annual
369 budget to the sewer project is not in order. Over 20 years of that bond, we have means in annual
370 capital improvement and debt service profile to address in an improved fashion. He appreciated
371 the sentiment for the Town Council giving attention to working a solution.

372 Chairperson Beers informed Mr. Harris that the selection of the Town Manager received three
373 proposals from three different firms. Town Council will have a brief special meeting on Monday,
374 May 16, 2016 to respond to questions. He added that the sewer project included 33 companies on
375 the invitation to bid of which 23 responded and 7 submitted a bid. Of all the sewer projects since
376 1984, a total of 12 were competitively bid. The cost details are readily available and can be
377 provided by the Finance Department.

378 Chairperson Beers thanked Mr. Costa for his comment.

379 12. UNFINISHED BUSINESS – None.

380 13. NEW BUSINESS

381 a. Donations/gifts received for Council disposition – None.

382 b. (050116-5) The Kittery Town Council moves to approve the disbursement warrants.

383 Town accounts payable of \$93,612.16.

384 Sewer account payable of \$19,626.22.

385 School accounts payable of \$364,045.62.

386 Total of all disbursement warrants of \$477,284.00.

387

388 Councilor Dennett stated that the Town and Sewer warrants are in order. Councilor Lemont that
389 the School warrants are in order.

390 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE THE**
391 **DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR SPILLER. MOTION**
392 **CARRIED BY VOICE VOTE 7/0/0.**

393 c. (050116-6) The Kittery Town Council moves to approve a renewal application from
394 WLH Management Corp., 149 Mendums Landing, Barrington, NH for a Malt, Spirituous and
395 Vinous Liquor License for Warrens Lobster House, 11 Water Street.

396 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPROVE A RENEWAL**
397 **APPLICATION FROM WLH MANAGEMENT CORP., 149 MENDUMS LANDING,**
398 **BARRINGTON, NH FOR A MALT, SPIRITUOUS AND VINOUS LIQUOR LICENSE**
399 **FOR WARREN'S LOBSTER HOUSE, 11 WATER STREET, SECONDED BY**
400 **COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION**
401 **CARRIED 7/0/0.**

402 d. (050116-7) The Kittery Town Council moves to approve a renewal application from
403 Chios Pizza Inc., 49 Griffin Road, Portsmouth, NH for a Malt Liquor License for Town Pizza
404 Restaurant, 15 Wentworth Street.

405 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE A RENEWAL**
406 **APPLICATION FROM CHIOS PIZZA INC., 49 GRIFFIN ROAD, PORTSMOUTH, NH**
407 **FOR A MALT LIQUOR LICENSE FOR TOWN PIZZA RESTAURANT, 15**
408 **WENTWORTH STREET, SECONDED BY COUNCILOR SPILLER. ROLL CALL**
409 **TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

410 e. (050116-8) The Kittery Town Council moves to appoint a representative to meet with
411 the Chair of the KCC Board of Directors to interview Kent Stephens for his re-appointment to
412 that board until 12/31/2019.

413 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT KENT**
414 **STEPHENS FOR HIS RE-APPOINTMENT TO THAT BOARD UNTIL 12/31/2019**
415 **WITHOUT THE BENEFIT OF A RE-INTERVIEW, SECONDED BY COUNCILOR**
416 **WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION CARRIED 7/0/0.**

417 f. (050116-9) The Kittery Town Council moves to appoint David Lincoln to the
418 Economic Development Committee as a citizen representative until 12/31/2016.

419 **A MOTION WAS MADE BY COUNCILOR SPILLER TO APPOINT DAVID LINCOLN**
420 **TO THE ECONOMIC DEVELOPMENT COMMITTEE AS A CITIZEN**
421 **REPRESENTATIVE UNTIL 12/31/2016, SECONDED BY COUNCILOR THOMSON.**
422 **ROLL CALL TAKEN WITH COUNCILOR DENAULT OPPOSED. MOTION**
423 **CARRIED 6/1/0.**

424 g. (050116-10) The Kittery Town Council moves to appoint Joyce Tobey as Warden and
425 Sandra Lutts as Deputy Warden and the opening of the polls at 8:00 a.m. and the closing at 8:00
426 p.m. for the June 14, 2016 State Primary, Town Meeting, and School Budget Validation
427 Referendum Elections as recommended by the Town Clerk.

428 **A MOTION WAS MADE BY COUNCILOR THOMSON TO APPOINT JOYCE TOBEY**
429 **AS WARDEN AND SANDRA LUTTS AS DEPUTY WARDEN AND THE OPENING OF**
430 **THE POLLS AT 8:00 A.M. AND THE CLOSING AT 8:00 P.M. FOR THE JUNE 14, 2016**
431 **STATE PRIMARY, TOWN MEETING, AND SCHOOL BUDGET VALIDATION**
432 **REFERENDUM ELECTIONS AS RECOMMENDED BY THE TOWN CLERK,**
433 **SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL IN FAVOR.**

434 MOTION CARRIED 7/0/0.

435 h. (050116-11) The Kittery Town Council moves to sign the warrant for the June 14,
436 2016, School Budget Validation Referendum Election.

437 A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN THE WARRANT
438 FOR THE JUNE 14, 2016, SCHOOL BUDGET VALIDATION REFERENDUM
439 ELECTION, SECONDED BY COUNCILOR WHITE. ROLL CALL TAKEN WAS ALL
440 IN FAVOR. MOTION CARRIED 7/0/0.

441 i. (050116-12) The Kittery Town Council moves to sign the warrant for the June 14,
442 2016, Annual Town Meeting/Secret Ballot vote.

443 A MOTION WAS MADE BY COUNCILOR THOMSON TO SIGN THE WARRANT
444 FOR THE JUNE 14, 2016, ANNUAL TOWN MEETING/SECRET BALLOT VOTE,
445 SECONDED BY COUNCILOR DENAULT. ROLL CALL TAKEN WAS ALL IN
446 FAVOR. MOTION CARRIED 7/0/0.

447 j. (050116-13) The Kittery Town Council moves to schedule June 13, 2016 for a public
448 hearing to vote on the FY'17 Municipal and Adult Education Budgets.

449 A MOTION WAS MADE BY COUNCILOR THOMSON TO SCHEDULE JUNE 13, 2016
450 FOR A PUBLIC HEARING TO VOTE ON THE FY'17 MUNICIPAL AND ADULT
451 EDUCATION BUDGETS, SECONDED BY CHAIRPERSON BEERS. MOTION
452 CARRIED 7/0/0 BY VOICE VOTE.

453 k. (050116-14) The Kittery Town Council moves to approve Kittery Community
454 Market's request to hang two banners: one at Post Office Square from May 23, 2016 to October
455 5, 2016; and, one over Rogers Road in front of the Kittery Community Center, on or about May
456 23, 2016, for the season, to be replaced as necessary for other approved banners; and, its request
457 to place directional signs at 20 locations around Kittery and Kittery Point, to direct people to the
458 Market each week from June 4, 2016 to October 2, 2016.

459 A MOTION WAS MADE BY COUNCILOR THOMSON TO APPROVE KITTERY
460 COMMUNITY MARKET'S REQUEST TO HANG TWO BANNERS: ONE AT POST
461 OFFICE SQUARE FROM MAY 23, 2016 TO OCTOBER 5, 2016; AND, ONE OVER
462 ROGERS ROAD IN FRONT OF THE KITTERY COMMUNITY CENTER, ON OR
463 ABOUT MAY 23, 2016, FOR THE SEASON, TO BE REPLACED AS NECESSARY FOR
464 OTHER APPROVED BANNERS; AND, ITS REQUEST TO PLACE DIRECTIONAL
465 SIGNS AT 20 LOCATIONS AROUND KITTERY AND KITTERY POINT, TO DIRECT
466 PEOPLE TO THE MARKET EACH WEEK FROM JUNE 4, 2016 TO OCTOBER 2, 2016
467 SECONDED BY COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR.
468 MOTION CARRIED 7/0/0.

469 14. COUNCILOR ISSUES OR COMMENTS

470 Councilor White suggested that the consultants for the Comprehensive Plan 2015-2015 schedule
471 with Town Council a presentation as soon as possible since it will eventually come back to
472 Council for approval later in the year.

473 The next Comprehensive Plan 2015-2015 Public Forum will be held on Saturday, June 11, 2016
474 at 10:00-12:30 in the Kittery Community Center STAR Theater. Councilor White hoped for an
475 excellent turnout and noted that the draft plan will be provided for public review.

476 Councilor White anticipated inquiring about the water quality problem, but acknowledged that it
477 had been dealt with already.

478 Councilor White felt that the additional administrative assistant part-time position previously
479 discussed is an urgent issue.

480 Councilor Thomson expressed concern in regards to the signage on 99 State Road. The issue was
481 brought to his attention by local residents and questioned whether the signage is within the
482 ordinance. He asked that the Code Enforcement Officer investigate further.

483 Vice Chairperson Denault was informed by a citizen that the defibrillators in Town Hall have a
484 key lock. He mentioned his request from a few years ago to provide training for using the
485 equipment. It would be beneficial to revisit that request given the continuous risk for an
486 emergency. He also requested that it be kept unlocked.

487 Vice Chairperson Denault wished that the Sewer Betterment Workshop was captured on Channel
488 22. He reminded that the Fire department had one live feed installed for serious emergencies.
489 Another at the Kittery Community Center to assist with plays as well as Memorial Field,
490 Shapleigh field, and Town Hall. He commended Town Manager Granfield for supporting the
491 initiative and working with Comcast.

492 Councilor Spiller echoed Councilor White's statement to find administrative assistance for the
493 staff.

494 Councilor Lemont thanked Town Manager Granfield for her expedited response to the crosswalk
495 request.

496 Councilor Lemont felt that Mr. Forbes was not entirely satisfied with the answers received and
497 will be contacting him for clarification.

498 Councilor Lemont asked if Town Manager Granfield can propose a timeline for resolution to the
499 sewer betterment issues. Chairperson Beers agreed and felt that Town Manager Granfield
500 planned to provide that information soon.

501 Chairperson Beers cited President Obama's memorandum regarding transparency and open
502 government in that "Government should be participatory. Public engagement enhances the
503 Government's effectiveness and improves the quality of its decisions. Knowledge is widely
504 dispersed in society, and public officials benefit from having access to that dispersed
505 knowledge." Chairperson Beers concluded that the result of the Sewer Betterment Public Forum
506 was a major step in that direction and hoped that level of communication continues.

507 15. COMMITTEE AND OTHER REPORTS

508 a. Communications from the Chairperson

509 Chairperson Beers cited a letter received May 2, 2016 from Bruce and Thomasine Piche
510 thanking Chief David O'Brien and his staff for their quick response to a 9/11 call on April 23,

511 2016 at 178 Whipple Road.

512 Chairperson Beers responded to Ms. Susan Johnson's suggestion from the last Town Council
513 meeting in that providing free Fort Foster passes for the elderly has been referred to the parks
514 commission.

515 Chairperson Beers responded to Ms. Johnson's suggestion that free adult education classes for
516 elderly is outside the Town Council purview and it has been referred to the school department for
517 consideration.

518 Chairperson Beers responded to Ms. Johnson's suggestion that trash pick-up services be
519 provided by the Town. This was reviewed in 2011 and concluded that the cost was over
520 \$1,500,000 per year and determined at the time not reasonable for tax payers to bear.

521 Chairperson Beers added that the Southern Maine Agency on Agency was established in 1973
522 and provides various services for elderly. There are other programs available and details can be
523 found on the Maine Department of Health and Human Services website. The opportunity alliance
524 has provided for over 50 years information, referrals, and emergency support services for anyone
525 by dialing 211.

526 The May 23, 2016 special meeting will have representatives from Eaton Peabody and MRI
527 present, but MMA will be unable to attend. Any questions directly for MMA should be
528 forwarded to Town Manager Granfield prior to the meeting.

529 The Town Council reached a consensus to meet with the Comprehensive Planning Committee on
530 Wednesday, June 1, 2016.

531 b. Committee Reports

532 Town Manager Granfield and Chairperson Beers had a positive meeting with the National Parks
533 Program Manager, Elyse LaForest. The updates were provided in the agenda materials. The next
534 working group meeting with WILSSA is scheduled for Wednesday, May 11, 2016 at 2:00pm in
535 Town Hall and the agenda has been posted.

536 Councilor Thomson indicated that he cannot attend the May 11, 2016 special meeting.
537 Chairperson Beers postponed that meeting to a date yet to be determined.

538 16. EXECUTIVE SESSION

539 (050116-14) The Kittery Town Council moves to go in to executive session with the
540 Town Manager in accordance with 1 M.R.S. §405(6)(D) to discuss contract labor negotiations.

541 **A MOTION WAS MADE BY COUNCILOR THOMSON TO GO INTO EXECUTIVE**
542 **SESSION WITH THE TOWN MANAGER IN ACCORDANCE WITH 1 M.R.S.**
543 **§405(6)(D) TO DISCUSS CONTRACT LABOR NEGOTIATIONS, SECONDED BY**
544 **COUNCILOR SPILLER. ROLL CALL TAKEN WAS ALL IN FAVOR. MOTION**
545 **CARRIED 7/0/0.**

546 The Council moved to so into the executive session at 8:52 P.M. and the live broadcast of the
547 meeting was closed and Council would return only to come out of Executive Session and no
548 other business would be conducted, except adjournment.

549 **A MOTION WAS MADE BY COUNCILOR THOMSON TO COME OUT OF**
550 **EXECUTIVE SESSION, SECONDED BY COUNCILOR BEERS. ROLL CALL VOTE**
551 **WAS TAKEN WITH ALL IN FAVOR. MOTION CARRIED 7/0/0.**

552 Council came out of Executive session at 9:17 P.M.

553 17. **ADJOURNMENT**

554 **IT WAS MOVED BY COUNCILOR THOMSON, SECONDED BY COUNCILOR**
555 **SPILLER TO ADJOURN THE MEETING AT 9:18 P.M. ALL WERE IN FAVOR BY A**
556 **VOICE VOTE.**



TOWN OF KITTERY
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1321 Fax: 207-439-6118

REPORT TO TOWN COUNCIL

Meeting Date: May 23, 2016
From: Jessa Kellogg, Shoreland Resource Officer
Subject: Responses to Spruce Creek 2016 Sampling Proposal questions
Councilor Sponsor: Councilor Beers

EXECUTIVE SUMMARY

Responses are provided to questions raised about the 2016 Sampling Proposal for the Spruce Creek Watershed. The Department of Public Works is requesting Town Council to fund the attached scope of work (\$15,735) as well as an alternative procurement approval to select FB Environmental Associates (FBE) to complete the proposed sampling project for continued water quality analysis in the Spruce Creek watershed for 2016.

STATEMENT OF NEED

Continuing the annual monitoring program is important to the successful continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed.

BACKGROUND

Questions were raised in at the 3/28/16 Town Council meeting and I have been asked to formally address all of the concerns in writing before Town Council will consider the 2016 water sampling proposal. All correspondence has been included for your review along with a summary of the Spruce Creek Watershed history from 1995 to present, a summary of FB Environmental water sampling results from 2009-2015, DMR water quality results from 2006-2015, the DMR Investigative Report dated 4/21/16 and the 2016 Sampling Proposal.

Since 2008 the Town of Kittery has been awarded four EPA Section 319 grants for the Spruce Creek Watershed Improvement Project (SCWIP), the latest round was awarded June 1, 2015 and runs through December 2017. This project is the first in the State of Maine to be awarded a fourth round of EPA Section 319 grant funding. The Town of Kittery's consistent monitoring and water quality sampling over the last 10+ years and the restoration efforts through Best Management Practice (BMP) installations serves as an impressive model for not only the rest of the state but also regionally.

At the 3/28/16 Town Council meeting Forrest Bell of FB Environmental made a presentation regarding the 2015 water sampling efforts and was present to answer any questions regarding the 2016 water sampling proposal. Following the presentation a resident, Mr. Jim Forbes, raised a few concerns during the public comment period and emailed a list of questions and concerns he had regarding the presentation to Phyllis Ford of the Spruce Creek Association. She forwarded that email to myself and Mr. Bell who responded to the email chain on 3/29/16. Mr. Forbes replied with more questions on 4/3/16 to which I replied on 4/4/16 with a request to speak over the phone to more expediently address his concerns. On 4/5/16 we spoke on the phone and he appeared content with

the responses given. He was concerned about the locations on Picott and Wilson roads labeled with red and orange on Mr. Bell's map given at the 3/28/16 meeting. I explained to him that the Town helped remediate a failing septic on Wilson Road in 2012 and that we are still working on locating the point sources at the Picott location. Page ii of the 2015 Kittery Sampling Report presented at the 3/28/16 meeting shows the recommended next steps for this area that I am currently working on fulfilling. Mr. Forbes asked if there were any statistics from the medical community regarding illness from Spruce Creek and to my knowledge there isn't any, however that doesn't mean that there aren't any statistics or that illness hasn't occurred, just that it likely wasn't reported. I further explained to him that water sampling results from both FB Environmental and Maine DMR show improved water quality in parts of Spruce Creek but that there are still problem areas the Town is trying to find the point sources of.

On 4/21/16 I met with members of the Shellfish Committee and Maine Department of Marine Resources (DMR) to hear an update on the status of Kittery's shellfish closure. Councilor Lemont and Mr. Forbes were also in attendance. DMR samples 9 sites six or more times annually in Kittery and test results show an improvement in water quality for certain sites in Spruce Creek, however DMR is forced to keep Kittery's shellfish areas on a prohibited status until the Portsmouth wastewater treatment facility on Pierce Island is upgraded. The threat of a bypass is too great and DMR is regulated by the US FDA who has set this restriction. At this point it appears that the upgrade will likely not be complete before 2020. Until that happens Spruce Creek will remain on the prohibited list for recreational shellfishing. Following that meeting it appeared that while Mr. Forbes did not agree with the procedure DMR follows for closures, he understood and had no further questions.

In his email dated 3/28/16, Mr. Forbes asked why trend data analysis wasn't presented by Mr. Bell at the 3/28/16 Town Council meeting, despite nearly 10 years of sampling efforts. The reason for this, as Mr. Bell explained in an email dated 3/29/16, is that the sampling work his team completes is action oriented and there is not a consistent data set for the same sites over the last ten years. The sampling efforts were targeted at specific hotspots and changed year to year, making statistical analysis impossible. Furthermore, trend analysis using data from FB Environmental, DMR and Maine Healthy Beaches is also impossible because each samples for different bacterial indicators (E. coli, fecal coliform and Enterococci, respectively) and are not comparable.

The question was raised by Councilor Denault at the 3/28/16 meeting if water quality improvements were a result of Planning Board requirements for LID's in parking lots of Route 1. From my understanding there has not been significant development or redevelopment along the Route 1 corridor that included Planning Board required LID installations in the last ten years as the malls were put in years ago. Roberts Maine Grill has a stormwater management system on the property that I believe was a condition of approval and there may be others but I am not familiar with others in the last 10 years. As Mr. Bell mentioned in the 3/28/16 Town Council meeting, there are cumulative impacts of all LID installations along the Route 1 corridor and elsewhere in Town. FB Environmental uses an EPA model to estimate the reductions in sediment, phosphorus, nitrogen and bacteria. While there may be some contribution from LID installation work required by the Planning Board, no calculations of their impacts have ever been conducted after the fact, and it is clear that the direct work from current and previous phases of the SCWIP has been a large contributor to the improved water quality. There are a total of 64 LID installations that were installed with SCWIP grant funding in previous phases on residential, commercial and public property and are several more

planned for this Phase IV. We are very fortunate that the local businesses on Route 1 are supportive of restoration efforts for Spruce Creek and many of the businesses and mall owners have been very involved. For this phase we have partnered with the Kittery Trading Post and the Kittery Premium Outlets for commercial installations on Route 1.

Councilor Spiller raised the concern over dog waste as a contributing factor, which I agree with. DNA sampling has confirmed that in certain locations in Spruce Creek dog waste is the primary source of bacterial contamination. Pet owners are responsible for picking up after their dogs and need to understand that this is a significant human health concern.

Overall, I want to impress upon the members of Town Council that the water quality sampling work the Town has funded thus far is helping us to keep ahead of larger problems. Last year DEP came out with a new list of impaired waterbodies in Maine with TMDL (total maximum daily load) restrictions for nonpoint sources of pollution. Kittery is not yet subject to a TMDL but it is still impaired for bacteria and if we do not continue taking steps to locate and remediate sources of bacteria, we may end up with a TMDL which will be even more costly for the Town. Being proactive is much more cost effective and Spruce Creek will be easier to restore if we don't let it get any worse.

FACTS BEARING ON THE EQUATION

FB Environmental is experienced in developing and implementing complex bacteria source tracking, water quality monitoring, and modeling projects. They are a regional leader in developing and implementing large-scale and targeted bacteria source tracking projects and have the staff and equipment necessary to coordinate this type of comprehensive sampling project.

CURRENT SITUATION

The Department of Public Works supports the continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed. The tasks in the scope of work were developed to target areas consistently identified as "hotspots" of bacterial contamination.

PROPOSED SOLUTION/RECOMMENDATION

DPW is requesting Town Council to fund the attached scope of work (\$15,735) as well as an alternative procurement approval to select FBE to complete the proposed sampling project. The scope of work includes 4 tasks:

1. Bracket sampling in Chickering Creek (four sites), Mill Cove/Manson Avenue (one site), and Upper Estuary/Picott Road Stream (three sites).
2. Microbial Source Tracking at three locations in the Upper Estuary/Picott Road Stream drainage area to further pinpoint the source of bacteria by testing for bovine (cow), human, and Canada geese DNA.
3. Main Channel Analysis to include deployment of two continuous data loggers in the main channel of the creek to determine overall water quality.
4. Reporting

RATIONALE FOR THE PROPOSED SOLUTION (INCLUDING COSTS)

While significant discoveries and improvements have been made over the last ten years in the Spruce Creek watershed, there is still more work to be done. Task 1 will focus on known hotspots areas to hopefully track down the point source of pollution. Task 2 will help identify the source of bacteria at three known sites through testing DNA. Task 3 will be a continuation of previous years' monitoring in the main channel which is necessary for trend analysis.

Selecting the same consultant and continuing the annual monitoring program will ensure continuity of data and maintain a baseline from which to compare future conditions as restoration work progresses in the watershed. Furthermore, in appreciation of the strong monetary commitment to this monitoring work that the Town of Kittery has made over the last several years, FBE recommends a scope of work for 2016 with a reduced overall budget. All project funds will also count as match for the Maine DEP 319 Spruce Creek Watershed Improvement Project.

Project Budget:

Task 1: \$3,400

Task 2: \$1,559

Task 3: \$8,471

Task 4: \$2,306

Total \$15,735

Jessa Kellogg

From: James Forbes [jimforbes@msn.com]
Sent: Monday, April 04, 2016 7:58 PM
To: Jessa Kellogg
Subject: RE: F B Environmental presentation

Hi Jessa,
My phone number is (207) 439-9161
Late mornings and early afternoons is best for me- but anytime that is good for you will work for me.
Looking forward to a chat,
Jim

From: JKellogg@kitteryme.org
To: jimforbes@msn.com
Subject: RE: F B Environmental presentation
Date: Mon, 4 Apr 2016 13:16:24 +0000

Hi Jim,
Thank you for your concern. Do you have a phone number I can reach you at? I am only a part-time employee and it would be much easier and faster for me to speak to you over the phone. I look forward to speaking with you soon.

Thanks,
Jessa

Jessa Kellogg
Shoreland Resource Officer
Town of Kittery
200 Rogers Road
Kittery, Maine 03904
www.kitteryme.gov
p: (207) 475-1321

From: James Forbes [mailto:jimforbes@msn.com]
Sent: Sunday, April 03, 2016 11:00 PM
To: Forrest Bell
Cc: Charles Denault; Kenneth Lemont; Jessa Kellogg; Carol Granfield; Phyllis Ford; Denis-Marc.Nault@maine.gov; dlcapp66@yahoo.com
Subject: RE: F B Environmental presentation

Mr. Bell
Thank you for your response on Tuesday to the questions that I raised at the Council meeting on Monday night. I trust that my questions affirm that I realize that you take this work very seriously as we all recognize the public health issue. Council Chair Beers thought my questions were "convoluted" and he is right as this is a very complex problem that involves many parties; and I respect your role as an advisor assisting the various departments and community players. My questions were directed to you and (perhaps unfairly) through you, to the very many responsible authorities in Kittery.
Over the past ten years your efforts have identified a number of point sources of fecal pollution, including providing maps with houses marked in red and orange and the lots in the Picott / Wilson Roads area. Have the

Town authorities agreed with you that this is a serious health issue and taken aggressive action against the sources of the pollution (N. Albert/ J. Kellogg/ R. Marchi)?

Councilor Spiller raised the question to you of canine waste. Every day I see more and more New Hampshire plates on cars parked at Roger's Park. Is anything being done to control the NPS canine fecal waste running into Spruce Creek from Roger's Park (J Kellogg)? Is anyone monitoring the waste from Inn The Doghouse on Wilson Road; or the run-off from Johnson's Farm; or any other areas of concentrated animals?

I have heard many stories about how productive the clam beds in Spruce Creek used to be. About the year I moved to Kittery the DMR stopped clamming due to dangerously high levels of red tide/PSP. The following season the clam flats remained closed - "because of pollution", and have been closed ever since. What changed? Did the standards from the Maine DEP or the DMR change? Did the test methods or data collection change? Certainly with all the remediation that has taken place over the years, i.e. elimination of Eagle Point discharge, many septic systems replaced with sewer lines and all the attention to run-off; the clam beds must be cleaner than they were years ago!

Was there ever an issue of illness cause by Spruce Creek clams (except for red tide periods)? Could this be a case of environmentalist over-reach in the name of safety? Will we become so clean that we will need to take massive doses of probiotics to maintain our gut health?

In many annual reports the Maine DEP reports that "water samples are collected and tested for fecal coliform bacteria at least six (6) times annually from each of more than 2000 established sampling sites that are located along the entire Maine coast". Are any of those sites anywhere within Spruce Creek? If so, can we get trend data from that testing? How does that data compare with the sonde data that you have been collecting during the past three years? (DMR?)

I hope we can all have answers to these serious questions soon and start enjoying the full potential of a healthy Spruce Creek.

Jim Forbes, concerned citizen

From: info@fbenvironmental.com

To: jimforbes@msn.com

CC: cdenault@comcast.net; klemont@comcast.net; JKellogg@kitteryme.org; cgranfield@kitteryme.org; phyllis@sprucecreekassociation.org

Subject: RE: F B Environmental presentation

Date: Tue, 29 Mar 2016 11:54:38 -0400

Dear Mr. Forbes and Town of Kittery interested parties:

I'm sorry that I wasn't able to stay and return to the podium to answer Mr. Forbes questions last night. Here are my responses to the questions and comments listed below:

1. First of all, I feel that it's important to state that my company, FB Environmental Associates, is only assisting with the monitoring and restoration of Spruce Creek. There are dozens of groups and hundreds of individuals that are assisting the Town and State of Maine with the work. Our role is to help facilitate the process as best we can and to ensure that the tasks of the projects are carried out at a high level. We take our work very seriously as we realize that this is a public health issue.
2. In regard to trend data it is important to note that, in our opinion, it would be "bad science" to do trend analysis on much of the data that has been collected over the years. As I mentioned several times last night, much of the monitoring we have done has been "action oriented" and focused on finding hot spots and honing in on those areas so further investigation and treatment can occur. So, in most cases there is not a robust enough dataset to present a trend with any statistical relevance. We do statistically-based trend analysis work for other waterbodies and municipalities in New England and we are always very careful to not present misleading trend data. The one exception to not having a robust dataset is the sonde work that we have done in the mainstem of Spruce Creek for the last 3 years where we are

collecting thousands of datapoints annually for a limited set of parameters. However, I would not recommend doing a trend analysis on these data yet but it may be a good idea in the future.

3. The ability to answer the question of whether the water in Spruce Creek is more or less polluted than 10, 5, or 2 years ago would simply require more research and analysis than is being done now. The question itself is complex because it would be necessary to look at which pollutants you are using as indicators of water quality health and then you would need enough data to support any possible answers to those questions.
4. In regard to the question about shellfish data – those are best suited for the Department of Marine Resources (DMR). We (FBE) do not do any shellfish testing and we have never worked directly for DMR. That said, Laura Diemer or I will be attending the Shellfish Committee meeting on April 18th to share our information and hopefully learn more from DMR and the situation in Spruce Creek.
5. In regard to the question to Mr. Albert about houses of concern – the Town has been very proactive, in my opinion, to address any concerns that have arisen during our testing. I will note that tracking bacteria sources is extremely difficult and complex work and we are using all available technologies to learn as much as we can.

Thank you very much for your interest in this important topic.

Forrest Bell
Owner/Senior Project Manager
FB Environmental Associates
97A Exchange Street, Suite 305, Portland, ME 04101
170 West Road, Suite 6, Portsmouth, NH 03801
207-221-6699 (office)
207-650-7597 (cell)
www.fbenvironmental.com

On Mar 29, 2016, at 8:30 AM, Phyllis Ford <phyllis@sprucecreekassociation.org> wrote:

Thank you so much for your comments and your continued interest in the monitoring program for Spruce Creek. I have copied here Forrest Bell of FB Environmental and to Jessa Kellogg, the Town's Shoreland Resource Officer. I have also include Carol Grandfiled, our interim Town Manager, as she will know who else should be included in Council comments/email threads.

I believe between these folks, we should be able to point you to the data and reports you seek.

Appreciate your care and concern,
Phyllis

Phyllis Ford
Spruce Creek Association
PO Box 53, Kittery ME 03904
207.438.9633 cell 207.229.6050
phyllis@sprucecreekassociation.org

On Mar 28, 2016, at 10:21 PM, James Forbes
<jimforbes@msn.com> wrote:

Below I have copied the comments and questions that I made from the podium tonight. I hope that I (we the tax payers) can get clear answers to these serious questions. While they may not be easy or comfortable to answer, we deserve at least a good faith effort to get answers.

Thanks for your service to our community,
Jim Forbes

Commissioner Alberts cover letter to tonight's F B Environmental report states "for the last ten years F B Environmental has helped assess, monitor and improve the bacteria-impaired water body with the goal of re-opening the shellfish beds which have been closed since July 2005"; and that it was important to stay with FB to "ensure continuity of data and maintain a baseline from which to compare future conditions"

Last year Mr. Bell reported that "we are making progress and learning the story"

Last year Councilman Denault asked for data and Council chair Thomson asked "is there an End Point"

I have read the report provided in the packet and see no statistical data and wonder what kind of science collects data for ten years at taxpayer expense and does not present some kind of trend data.

From last year's testimony from Mr. Bell, we know that the standards have not changed; so I want to know: Is the water more or less polluted than ten years ago, than five years ago, than two years ago and by how much? Or have we reached an asymptotic level of no significant change moving forward?

And more specific to the stated goal- are the shellfish more or less polluted than 10, 5 or 2 years ago? And where is the data from either FB or DMR - whom FB works closely with.

And a question for Commissioner Albert - FB had identified houses marked in red and orange in last year's presentation as well as point sources of human fecal pollution in the Wilson - Picott Roads area. Have they all been fixed or are we waiting for some lengthy legal process? Why must all the users of Spruce Creek be impacted by a few un-lawful polluters?

(added during the comment period): From the Medical Community from York to Portsmouth- What are the statistics of sickness caused from eating Spruce Creek shellfish reported in the past. Has it been more or less in the past 10, 5, 2 years - if any?

SPRUCE CREEK WATERSHED HISTORY

ONGOING EFFORTS OUTSIDE TOWN OF KITTERY

Maine Healthy Beaches (2005-present) monitors multiple beach sites for Enterococci to assess conditions for primary contact recreation (swimming)
Department of Marine Resources (SCA help) (1989-present) monitors multiple sites along Spruce Creek for fecal coliform to assess conditions for shellfish consumption

YEAR	SURVEYS, MONITORING, OTHER INVESTIGATIONS	IMPLEMENTATION ACTIONS
1995	Final Report on DO Levels in Select Maine Estuaries & Embayments by Wells Reserve and Maine DEP	
1996	DO in Maine Estuaries & Embayments: 1996 Results & Analyses by Wells Reserve, Maine DEP, CBEP	
2004	Stormwater Assessment and Retrofit Inventory of Route 1 by Maine State Planning Office	
2005	319-funded, community-led watershed survey identified 197 sites with polluted runoff issues SCA Volunteer Water Quality Monitoring Program (Cond, DO, Temp, Sal, Entero) Northern Ecological Associates (NEA) hired by Maine State Planning Office, Maine Coastal Program to document potential habitat restoration opportunities in Spruce Creek	
2006	Riparian habitat assessment identified 90 degraded areas SCA Volunteer Water Quality Monitoring Program (Cond, DO, Temp, Sal, Entero)	
2007	SCA Volunteer Water Quality Monitoring Program (Cond, DO, Temp, Sal, Entero)	
2008	FBE developed Spruce Creek Watershed Based Plan	Spruce Creek Watershed Improvement Project PHASE I: project implementation
2009	FBE hired by Town to conduct preliminary outfall and tributary monitoring in watershed (7 outfalls, Crockett's Brook, Hutchins Creek); identified Admiralty Village and Mitchell School as hotspot areas Optical Brighteners Study (PREP, SCA, FBE, Town) inconclusive, but revealed elevated levels near Admiralty Village and some potential overboard discharge areas in southern reaches of Spruce Creek	Town upgraded Mitchell School septic system (follow-up testing by Town showed lower bacteria levels following upgrade) Spruce Creek Watershed Improvement Project PHASE I: project implementation
2010	FBE hired by Town to follow-up in Admiralty Village (5/22/10) to identify and map stormwater infrastructure and drainage area to contaminated outfall (located west of Philbrick Ave beyond tennis courts)	Spruce Creek Watershed Improvement Project PHASE I: 22 BMPs installed treating 2,781 lbs./yr sediment, 37 lbs./yr nitrogen, 1 lbs./yr phosphorus, 1.7 acres impervious area, 101 billion col/yr bacteria Direct education of >1,000 watershed citizens through outreach program (9 septic/residential socials); 3,000 volunteer hours logged; discounted rain barrels distributed to >100 residents; launch of Save Kittery Waters website; development of BMP pledge program
2011	FBE hired to conduct bracket sampling of catch basins to Admiralty Village outfall (4 dry weather days); found high counts (>4,000 col/100mL) from inflow of unknown pipe - recommended camera inspection; other outfalls were also sampled throughout the watershed (3 wet, 3 dry weather days); hotspots identified were Picott Rd, Orvis, Trafton Lane, and Cole Street	Spruce Creek Watershed Improvement Project PHASE II: 7 BMPs installed treating 267 lbs./yr sediment, 3 lbs./yr nitrogen, 1.1 acres impervious area, 43 billion col/yr bacteria
2012	FBE hired by Town to conduct bracket sampling upstream of Picott Rd and Trafton Lane (hotspot outfalls identified in 2011) on 4 dry and 2 wet weather days; canine detection showed human contamination (and very high bacteria counts) only at the most downstream sites; recommended that Town investigate age of nearby septic systems and use microbial DNA to confirm other bacteria sources (canine, wildlife, farm animals) FBE hired by Town to sample 15 additional (new) outfalls throughout the watershed; nearly all outfalls exceed criteria for bacteria (Goose Point Bridge and Manson Ave hotspots); multiple outfalls also positive for human waste via canine detection FBE deployed data sondes measuring temperature, specific conductivity, relative depth, and dissolved oxygen in the lower (9/13-9/26), middle (9/26-10/5), and upper (10/5-10/12) estuaries	Spruce Creek Watershed Improvement Project PHASE II: 15 BMPs installed treating 166 lbs./yr sediment, 0.3 lbs./yr nitrogen, 0.2 lbs./yr phosphorus, Direct education of >300 watershed citizens through outreach program (8 public events); 1,526 volunteer hours logged; maintenance of Save Kittery Waters website; continuation of BMP pledge program
2013	FBE hired by Town to conduct bracket sampling of Chickering Creek and Manson Ave (3 wet, 3 dry weather days), along with canine detection team; recommended that Town investigate septic systems near Chickering Creek (due to high dry weather bacteria counts and hits for human waste) and investigate possible cross-connections or aging infrastructure in Manson Ave/Admiralty village stormwater/sewer network FBE conducted catch basin investigation of Manson Ave to identify potential illicit discharges, document flow patterns, and map all existing catch basins in the drainage area; recommended that a smoke test and/or camera line inspection be performed FBE investigated beach seeps along Fort Foster Beach, along with canine detection team; identified multiple seeps with elevated bacteria and hits for human waste	Spruce Creek Watershed Improvement Project PHASE III: 3 BMPs installed treating 24 lbs./yr sediment, 6.8 acres impervious area, 423 billion col/yr bacteria FBE/Town/Canines found abandoned cesspool in drainage area to marsh/beach; Town immediately removed cesspool

	FBE deployed data sondes measuring temperature, specific conductivity, relative depth, and dissolved oxygen in the middle estuary from 9/12-10/21	
2014	<p>FBE and canine detection team hired by Town to follow-up investigation at Fort Foster beach (some sites lower possibly as result of cesspool removal, but still some high counts with presence of human waste); bacteria issues may be wildlife or pet waste; recommended that Town target park for outreach on proper pet waste disposal</p> <p>FBE and canine detection team hired by Town to follow-up investigation at Manson Ave catch basins; found several catch basins with high bacteria and hits for human waste; smoke test of sewer line showed cross-contamination (smoke observed from storm drain) and vice versa.</p>	<p>Spruce Creek Watershed Improvement Project PHASE III: 16 BMPs installed treating 6,600 lbs./yr sediment, 65 lbs./yr nitrogen, 12 lbs./yr phosphorus</p> <p>Completed Town of Kittery septic system database and priority ranking by pollution risk; direct education of watershed citizens through outreach program (8 public events); 140 volunteer hours logged; maintenance of Save Kittery Waters website; continuation of BMP pledge program</p>
YEAR	SURVEYS, MONITORING, OTHER INVESTIGATIONS	IMPLEMENTATION ACTIONS
2014 (cont)	FBE deployed data sondes measuring temperature, specific conductivity, relative depth, and dissolved oxygen in the middle (9/19-10/17) and upper (9/22-10/20) estuaries.	
2015	<p>FBE hired by Town (and as part of Phase IV grant requirement) to conduct tributary monitoring at 12 tributary locations throughout the watershed on 3 wet and 3 dry weather days; hotspots identified at Chickering Creek, Picott Rd, and Mill Pond Rd/Manson Ave; microbial DNA analyses showed human contamination at Crocketts Brook, Chickering Creek, Mill Cove, Wilson Creek, and upper Spruce Creek area; recommended bracket sampling and microbial DNA analysis follow-up at Chickering Creek, Picott Rd, and Manson Ave</p> <p>FBE deployed data sondes measuring temperature, specific conductivity, relative depth, and dissolved oxygen in the middle and upper estuaries from 8/7-11/10</p> <p>Town followed-up using dye tests on 75% of properties in Manson Ave; no issues found; will get remaining properties in 2016</p>	<p>Spruce Creek Watershed Improvement Project PHASE III: 1 BMP installed treating 452 lbs./yr sediment, 5 lbs./yr nitrogen, 1 lbs./yr phosphorus</p> <p>Spruce Creek Watershed Improvement Project PHASE IV: new project phase begins</p>
2016	Town investigated manhole upstream of Mill Pond Rd/Manson Ave; pumped out manhole and no visual evidence of leak; testing in manhole came back low; Town looking to extend sewer into Chickering Creek area, which will remove one of the last remaining overboard discharge sites and minimize impact from any malfunctioning septic systems in the area	
		GRAND TOTAL TREATMENT TO DATE : 64 BMPs installed treating 10,290 lbs./yr sediment, 110 lbs./yr nitrogen, 14 lbs./yr phosphorus, 9.6 acres impervious area, 567 billion col/yr bacteria

TABLE 5. *E. coli* (col/100mL) geometric mean results for sampling locations within the Spruce Creek watershed from 2009-2015.
2012 results are based on only two sampling dates.

Sample ID	Waterbody	2009	2011	2012	2013	2014	2015	2009-2015		
								Overall	Dry	Wet
CBI	Crockett Brook	99		34			282	133	38	1,221
CC1	Chickering Creek		282	136	402		1,501	490	252	1,330
HC1	Hutchins Creek	96		37			370	166	66	623
HILL1	Hill Creek			211			150	175	21	1,042
MC1	Mill Cove						3,437	3,437	2,266	5,213
MIDEST	Spruce Creek				11	109	88	69	70	58
PICOTT	Spruce Creek					1,848	1,886	1,870	1,987	1,559
Picott Culve Unknown Tributary			1,093	856				958	893	1,073
SHEP1	Shepard's Hill Cove						1,018	1,018	534	1,939
Trafton Cul Fuller Brook			574	642			946	701	506	1,095
UNK2	Unknown Tributary						1,201	1,201	277	5,213
WA036.00	Barter's Creek			318			100	187	171	207
WC1	Wilson Creek						903	903	216	3,778
WR Cul	Spruce Creek			477			1,170	722	401	1,434

Gray cells indicate an exceedance of Maine DEP water quality criterion for E. coli: 64 colonies/100mL for geometric means.

DMR Water Quality Results 2006-2015

Site	WA024.00			WA028.00			WA029.10			WA031.00			WA032.00			WA033.00			WA034.00			WA035.00			WA036.00		
Year	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N	GEO*	90**	N
2006	4	16	2	19	21	2	--	--	21	101	2	--	--	--	14	19	2	5	24	2	--	--	--	1	2	2	
2007	2	4	8	26	151	6	18	82	6	16	101	6	--	--	12	43	6	4	29	6	--	--	--	4	12	6	
2008	3	11	6	13	122	6	11	61	6	11	253	6	--	--	6	17	6	3	54	6	9	22	3	6	15	6	
2009	3	13	6	11	99	6	11	55	6	8	59	6	--	--	5	20	6	7	17	6	3	14	6	4	14	6	
2010	3	9	7	5	18	7	10	54	7	4	22	7	--	--	4	15	7	8	44	7	6	67	6	3	19	7	
2011	2	7	6	4	10	6	2	5	6	4	7	6	--	--	3	9	6	2	5	6	2	5	6	4	12	6	
2012	1	4	6	3	12	6	6	35	6	2	7	6	--	--	3	19	6	2	8	6	2	5	6	2	11	6	
2013	2	2	6	7	227	6	9	111	6	4	49	6	--	--	4	17	6	1	4	6	5	73	8	3	19	6	
2014	3	24	6	2	12	6	20	191	6	2	6	6	6	46	9	3	15	6	1	3	6	4	16	16	2	20	6
2015	2	4	6	4	17	5	5	31	6	2	6	6	4	20	6	6	19	6	NA	NA	NA	5	6	2	6	6	
Annual	2	17	53	7	159	56	9	127	55	5	116	57	--	--	5	22	57	3	46	51	3	69	57	3	19	57	
All Data	2	10	53	6	68	57	9	68	55	5	42	57	--	--	5	21	57	3	18	51	3	17	57	3	14	57	

*GEO=geometric mean (not to exceed 88/100mL)
 **90=90th percentile (not to exceed 163/100mL)

159 Note that after adding 2015 data, this is no longer aboe the 90th percentile criteria of 163/100mL, but is still very close



Investigative Report

Wells

The Kittery Shellfish Commission asked DMR to provide an update on annual water quality data and the status of possible upgrade to Spruce Creek.

Water Quality Station Data

There are nine active water quality stations and two new stations. Figure 1 and Table 1 show the 2015 P90 scores and NSSP Classification for all active stations. Routine runs are completed yearly by DMR staff.

Table 1: P90 scores for all active stations in Kittery. Data is current and inclusive to **12/31/2015**.

Station	Class	Count	MFCCount	GM	SDV	MAX	P90	Appd Std	Restr Std	Min Date
WA024.00	P	30	30	2.5	0.29	44	6	31	163	1/31/2011
WA028.00	P	30	30	4.4	0.52	440	21	31	163	3/21/2011
WA029.10	P	30	30	7.4	0.67	240	54.2	31	163	3/21/2011
WA031.00	P	30	30	3.4	0.4	58	11	31	163	1/31/2011
WA033.00	P	30	30	4.4	0.41	33	15.2	31	163	1/31/2011
WA035.00	P	30	30	3	0.43	200	10.8	31	163	1/31/2011
WA036.00	P	30	30	3.4	0.4	38	11.3	31	163	1/31/2011
WA038.00	P	30	30	4.1	0.47	70	16.6	31	163	1/31/2011
WA043.00	A	30	30	2.5	0.24	12	5.1	31	163	1/31/2011

Shellfish Resource Survey

August 2015 P. Thayer (DMR), Dan Clapp (Shellfish Chair), Shellfish warden and three committee members conducted a walkover by 4 water quality stations.

Results:

- Dion/Trafton Aves – good rec resources
- Eagle/Goose Pts – low, wide size range at all size, no seed found
- Green crabs not a big problem, but ribbon worms seen

Shoreline Sanitary Survey

Spruce Creek was last surveyed in 2010.

Pollution Sources Identified

There were no actual or potential problems discovered during this survey.

Remediation

N/A.

Watershed Stream Data

No streams were sampled in 2015.

Summary Conclusion

Water quality meets approved standard except one station (WA 29.1).



Recommendations

- Possible upgrade to Spruce Creek on hold until Portsmouth WWTP upgrade completed
 - Projected to be completed in 2020
- Conduct shoreline survey in 2018 or 2019
- Begin collecting samples monthly in 2018
- Collect stream samples in 2016



Appendix



Maine Department Marine Resources Kittery

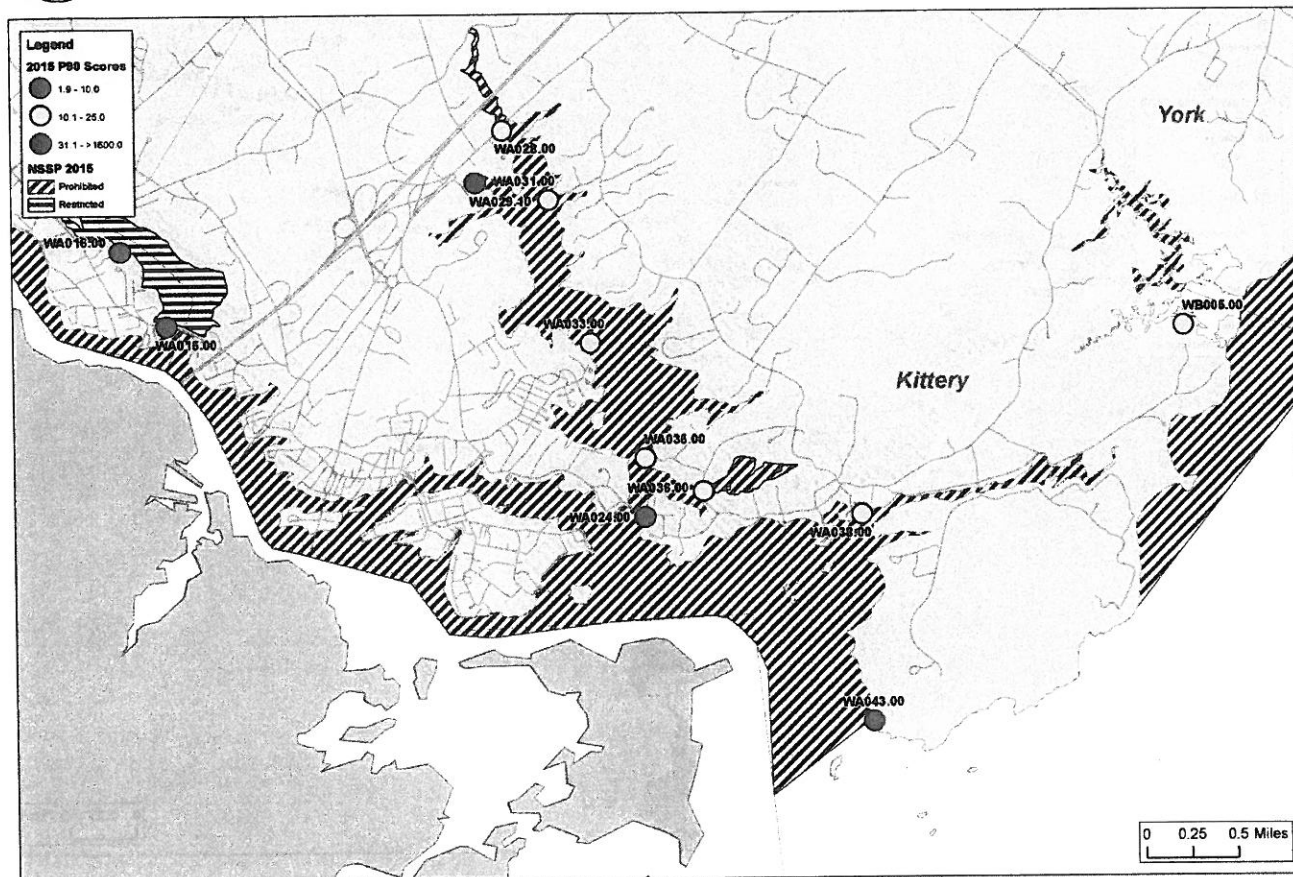


Figure 1: Kittery 2015 P90 scores and NSSP Classification.



Maine Department Marine Resources Kittery

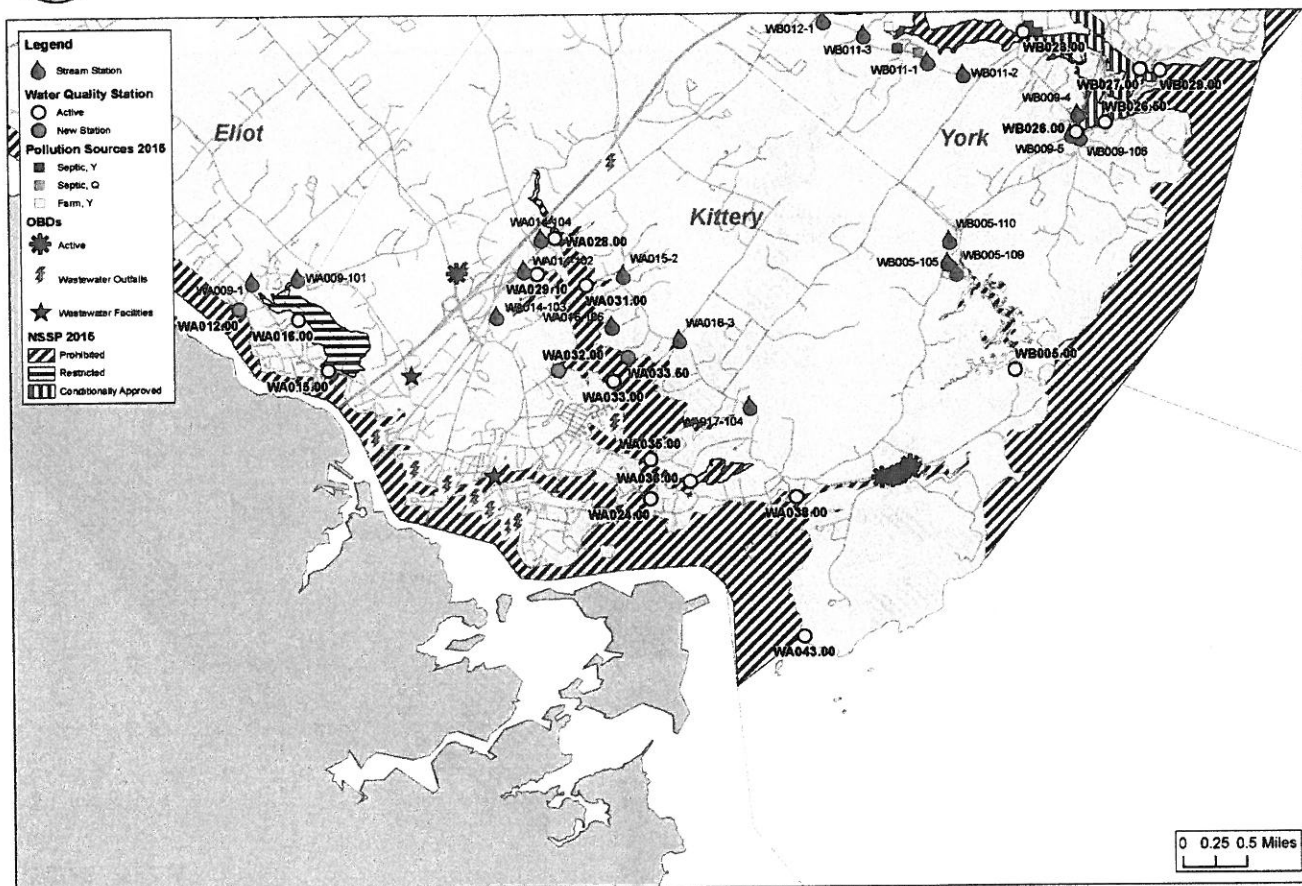


Figure 2: Kittery Water Quality, Stream Station locations and pollution sources.



Maine Department Marine Resources
Kittery

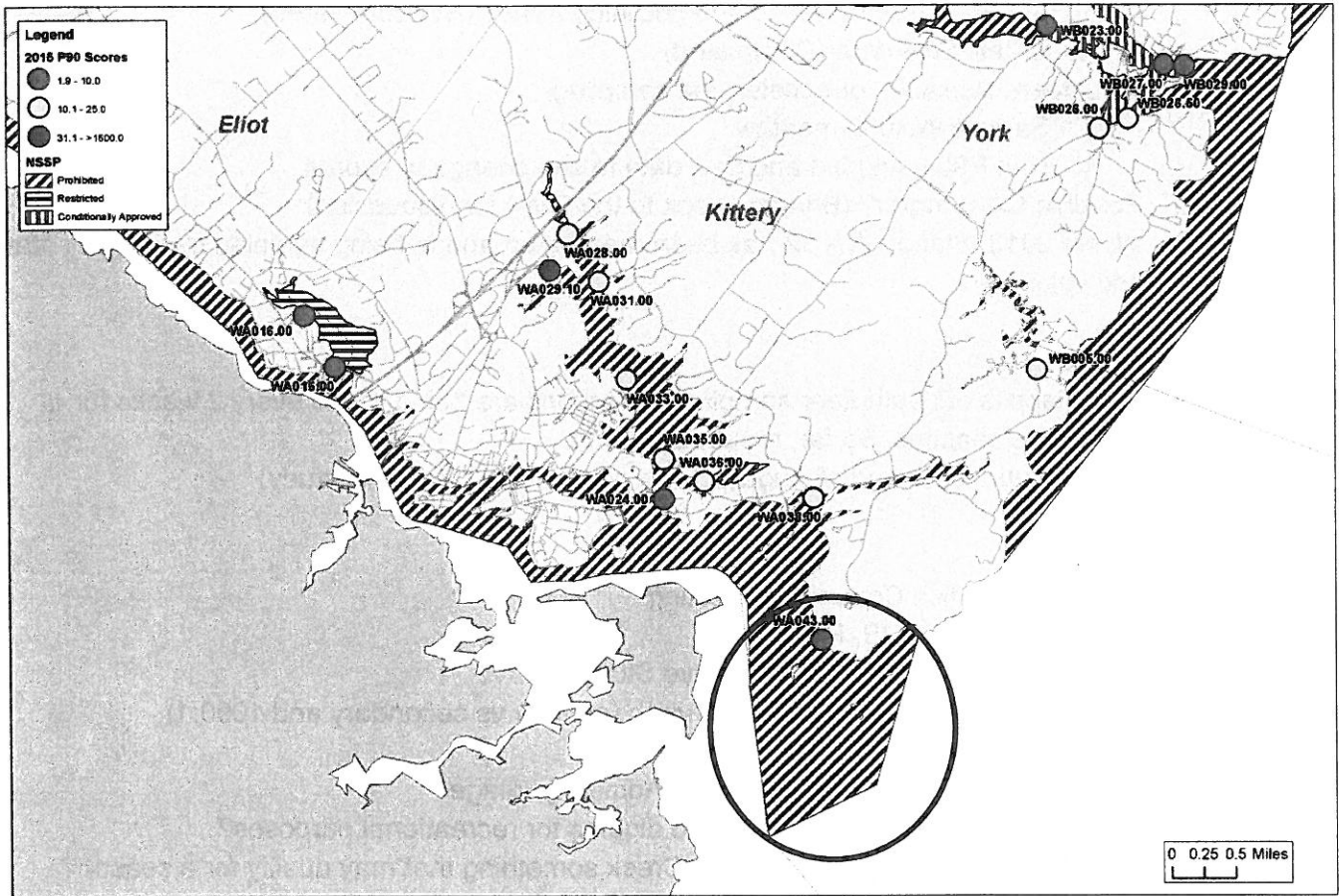
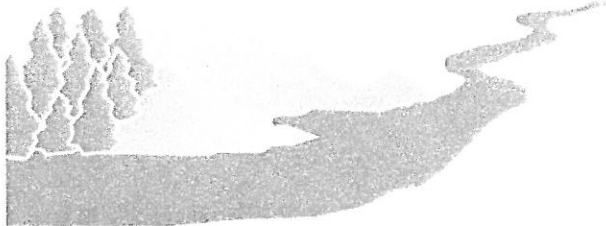


Figure 3: Proposed downgrade/extend (dark blue circle) prohibited area in Piscataqua River.



Progress and Communications

- Update 10/29/13
 - Attended SC meeting at the Town Hall with ATS and DMN
 - Compare P90 5 year trends to see declining trends (Not completed)
 - Check for last SSS date (Completed)
 - Volunteers available for accelerated sampling
 - Sample WA032 monthly
 - Run P90 using old and new data to see change in scores
 - Possible CA-S mgmt? (Bringing back to the DMR for discussion)
 - Winter 2013: Station WA 32 has been reactivated and is being sampled monthly by staff and volunteers.
- Update 6/1/2014
 - Dan Clapp is our volunteer sampler. Collections are being made every 2 weeks for at least three seasons. So far, results are good.
 - Re-evaluate at the end of August. (Not completed due to dye study)
- Update 3/18/15
 - Attended Shellfish Committee Meeting
 - MDS, TD, AJS, PT
 - Provided overview of NH WWTP Dye Study in 2012
 - Upgrade timeline for Portsmouth (primary vs secondary and 1000:1)
 - Phase IV 319 funding for 2015
 - Bracket sampling of non-point above Admiralty village
 1. Is there opportunity for controlled digging for recreational purposes?
 2. Is the prohibited area in Spruce Creek something that may qualify for a season?
 3. Keeping current with data collection in the next two years?
 - Contact Jess Kellogg for GIS layer with septics
 - Based on discussion should DMR do a hotspot/SS work in 2015 to keep current until 2018?
 - Do we continue with sample collection every two weeks, monthly or yearly?
- Update 4/1/15 – TD
 - Followed up with shellfish committee via email with these recommendations:
 - Continue to collect all stations around Spruce Creek, including WA032, on a regular routine basis
 - Postpone Hot Spot Shoreline Survey to 2016 due to septic upgrade work on the upper Spruce Creek and upgrade of Portsmouth WWTP
- Update 4/21/16



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Nancy Colbert Puff, Town Manager
Town of Kittery
200 Rogers Road
Kittery, Maine 03904

March 7, 2016

Dear Nancy Colbert Puff:

FB Environmental Associates (FBE) is pleased to submit the attached proposal for continued water quality analysis in the Spruce Creek watershed in Kittery, Maine. We have appreciated the opportunity to work with the Town of Kittery and the Maine Department of Environmental Protection (Maine DEP) for the last ten years to help assess, monitor, and improve this bacteria-impaired waterbody with the goal of re-opening the shellfish beds. In that time, we have built strong, collaborative working relationships with the individuals involved in this project, and we are eager to continue this work to help improve the water quality of Spruce Creek. Continuing the annual monitoring program will ensure continuity of data and maintain a baseline from which to compare future conditions as restoration work progresses in the watershed. In appreciation of the strong monetary commitment to this monitoring work that the Town of Kittery has made over the last several years, we recommend a scope of work for 2016 with a reduced overall budget.

FBE, a small business with an office located in Portsmouth, NH just a few miles from the Kittery Town Hall, is considered a regional leader in bacteria source tracking and water quality monitoring projects. We have worked with multiple municipalities and state agencies on dozens of similar projects across New England, including Kittery. As a result, we have a strong knowledge of what actions are needed to ultimately improve water quality within a watershed.

If awarded a contract, I will serve as the Principal-in-Charge for this project and will be ultimately responsible for the successful completion of all project tasks. I will be assisted by FBE Project Manager, Laura Diemer, who has worked in the Spruce Creek watershed since 2009, as well as field staff from our Portsmouth office, who are familiar with the watershed. We believe that our local presence, our high level of technical expertise, and our reasonable labor costs will provide high value to the Town for successful completion of this project.

If you have any questions, I can easily be reached on my cell phone at (207) 650-7597, or via email at info@fbenvironmental.com.

Sincerely Yours,

Forrest Bell, Principal
FB Environmental Associates

2016 | BRACKET SAMPLING AND MAIN CHANNEL WATER QUALITY ANALYSIS

SPRUCE CREEK WATERSHED, KITTELY, MAINE



PREPARED BY



FB ENVIRONMENTAL ASSOCIATES

170 West Road, Suite 6

Portsmouth, NH 03801

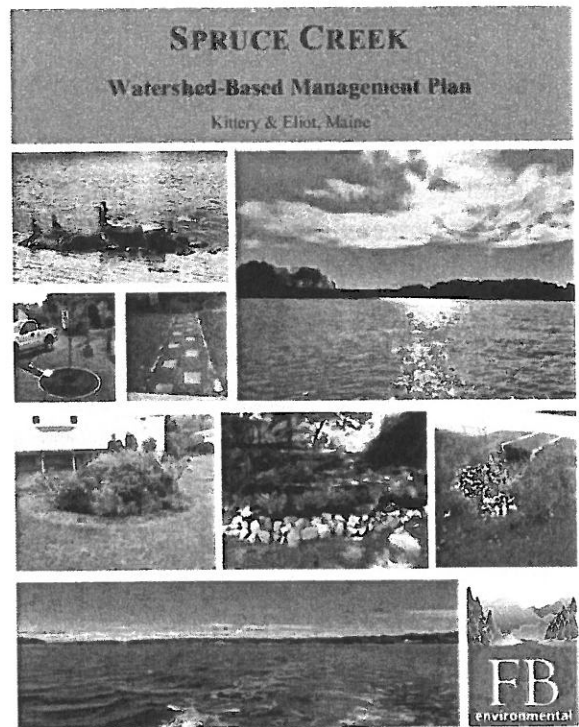
INTRODUCTION

FB Environmental Associates (FBE) was founded by Forrest Bell in 2001 to help public entities conduct comprehensive assessments of waterbodies impacted by nonpoint source pollution (NPS). Since that time, FBE has become a regional leader throughout New England in conducting large-scale and targeted bacteria source tracking and water quality monitoring projects, modeling watershed pollutant loading, developing stakeholder-driven watershed planning projects, implementing these plans through the management of watershed grants, and producing clear and concise technical reports.

We have conducted detailed assessments for more than 950 waterbodies in New England since 2001, including detailed assessments on Spruce Creek since 2005. Our firm was developed to deliver thorough scientific assessments of waters to assist public sector clients with watershed-wide efforts to restore and protect the quality of surface waters.

Since 2005, FBE has assisted the Town of Kittery and the Spruce Creek Association with identifying non-point sources of bacteria to Spruce Creek. Through these assessments and separate watershed planning projects, remediation efforts have been prioritized and specific sources of bacteria to Spruce Creek have been identified and addressed. Despite the multiple successes of previous projects, results through 2015 show that more work needs to be done in areas consistently identified as “hotspots” of bacteria. Non-point source pollution is an on-going problem that cannot be addressed through a single water quality project. Ongoing efforts are required as sources of bacteria may change over time in the watershed, with old sources being eliminated (e.g., over board discharges) and new sources emerging as infrastructure ages and population increases.

We are pleased to present our skills and qualifications to continue to assist the Town of Kittery, ME with continued water quality assessment of Spruce Creek. Spruce Creek is currently closed to shellfish harvesting and is considered impaired for bacteria and other pollutants by the Maine Department of Environmental Protection (Maine DEP). Our combination of technical expertise, on-the-ground field experience, and well-documented ability to engage municipalities make us an ideal candidate to continue to assist the Town of Kittery in addressing water quality problems in Spruce Creek. Our offices are in Portsmouth, NH and Portland, ME and are ideally situated to conduct work in Kittery.



FBE has been working with the Town of Kittery and the Spruce Creek Association since 2005 on water quality and watershed protection measures. This work has included monitoring and targeted bacteria source tracking in both coastal and freshwater bodies, as well as the successful application and implementation of four grants from Maine DEP.

PROJECT EXPERIENCE

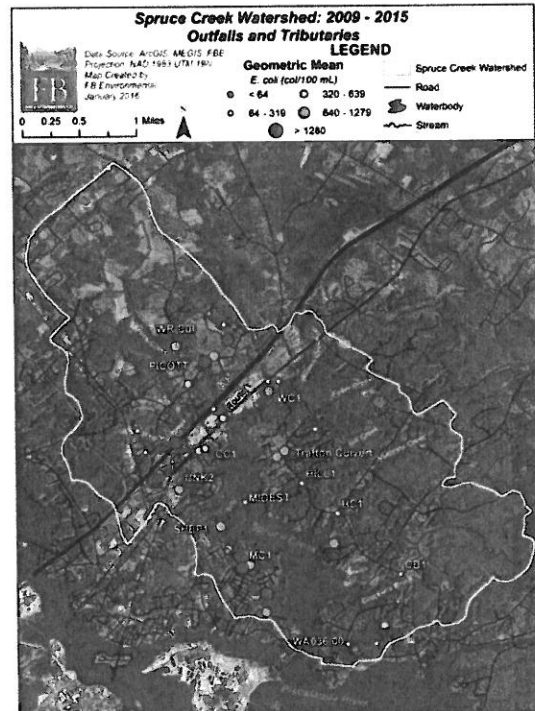
STATEMENT OF QUALIFICATIONS

FB Environmental Associates: Portsmouth, NH (603) 828-1456; info@fbenvironmental.com

Established in 2001, FB Environmental Associates is a New England-based consulting firm that specializes in directing environmental planning, assessment, monitoring, mapping, and restoration projects for a diverse array of clients. The firm's eight associates have more than 100 years of combined experience working on land and water resource projects in New England. As FBE is a small business with low overhead, we are able to provide a high-quality professional product at reasonable rates ranging from \$30 to \$111 per hour. FBE is also committed to maintaining close communications with its clients. References have indicated that the firm's greatest asset is the staff's ability to work with great attention to detail to meet the specific needs of project partners and the general public. In 2006, through an evaluation conducted by an independent research firm for the US Government, we were given an overall performance score of 95 (out of 100) by our current and past clients. Our staff professionalism and expertise ranking scored a perfect 100.

FB Environmental has worked with a wide range of clients, including the US Environmental Protection Agency, Maine Department of Environmental Protection, Piscataqua Regional Estuaries Partnership, University of Maine Cooperative Extension, Casco Bay Estuary Partnership, numerous municipalities, and several nonprofit environmental organizations and trade associations. Specific services include bacteria source tracking, water quality monitoring, water resources modeling and assessment, design and installation of Best Management Practices, riparian habitat assessments, development of Total Maximum Daily Load reports for lakes, rivers, and streams, stormwater management, nutrient management, GIS mapping and analysis, data compilation and interpretation, wetland delineation, erosion control, grant writing, and scientific report writing.

FBE is experienced in developing and implementing complex bacteria source tracking, water quality monitoring, and modeling projects. We conduct our work in a highly efficient and cost-effective manner, and we complete our work on time. We encourage reviewers to contact our references to discuss their experiences working with us, particularly working effectively with local stakeholders.



FBE has assisted the Town of Kittery with the water quality impairments in Spruce Creek since 2005, including a historical analysis of available tributary data through 2015.

SPECIFIC EXPERIENCE RELATING TO BACTERIA SOURCE TRACKING AND WATER QUALITY ANALYSIS IN SPRUCE CREEK

- A. Experience with Identifying Sources of Bacterial Pollution to Waterbodies:** FBE has become a regional leader in developing and implementing large-scale and targeted bacteria source tracking projects to identify sources of bacteria to waterbodies. We have worked with multiple municipalities throughout New England to successfully identify specific sources of bacteria to marine waters and estuaries that have the potential to cause closures in shellfish growing areas and swimming beaches (Table 1).
- B. Experience with Collection and Assessment of Water Quality Data to Determine and Manage Surface Water Pollutants:** FBE staff annually conducts multiple large and small-scale water quality monitoring projects throughout New England (Table 1). We have the staff and equipment necessary to coordinate this type of comprehensive sampling project. FBE staff has analyzed water quality data for lakes, rivers, streams, estuaries, and marine waters for more than 950 waterbodies in New England. We are experienced working with simple and complex datasets and understand how these data relate to stream processes.
- C. Experience with Water Quality and Bacteria Sources in the Spruce Creek Watershed:** FBE has conducted and managed many sampling projects for the Town of Kittery in the Spruce Creek watershed since 2005; this includes mapping, annual water quality monitoring, and bacteria hotspot identification and source tracking through bracket sampling and canine detection. We have conducted multiple bacteria source tracking investigations in the Spruce Creek watershed. This first-hand knowledge of the watershed makes us familiar with pollutant sources to Spruce Creek and other waterbodies in Kittery, and allows us to efficiently select the most effective locations and methods for future sampling efforts.
- D. Experience Identifying Appropriate Locations for Stormwater Mitigation and other Best Management Practices:** FBE works with municipalities on a daily basis and knows how to coordinate effectively. FBE staff has worked with clients to recommend and implement BMPs in more than 30 watersheds in New England. Forrest Bell, Principal of FBE, has assessed thousands of residential and commercial sites contributing polluted runoff to waterbodies in New England.
- E. Ability to Complete the Work within Required Schedules and Budget:** FBE will coordinate in a clear and professional manner with the Town of Kittery staff on behalf of the project, and will provide all reports, data, and information on schedule and within the project budget.

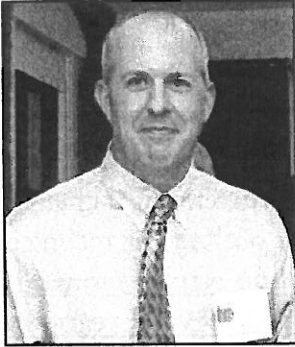
TABLE 1. Examples of completed and ongoing bacteria source tracking and water quality monitoring projects managed by FB Environmental, 2008-2015.

CLIENT	WATER QUALITY PROBLEM	WATERBODY NAME	YEAR	TYPE
Town of Salem, NH	Bacteria impairment	All Ponds	2014-15	Source Tracking
Town of North Hampton, NH	Bacteria, DO, and pH impairment	Winnicut River	2014-15	Monitoring
Boston Water and Sewer Commission	Bacteria impairments	Various outfalls	2014	Source Tracking
Town of Kittery, ME	Shellfish closures Bacteria impairment Beach closures	Spruce Creek Fort Foster Beach	2008-15 2012-15	Monitoring Modeling Source tracking
Town of Kennebunkport, ME	Bacteria impairment Beach closures	Goose Rocks Beach	2008-09	Monitoring Modeling Source tracking
Town of Ogunquit, ME	Bacteria impairment Beach closures	Ogunquit River Ogunquit Beach	2012-15	Monitoring Modeling Source tracking
Town of York, ME	Bacteria impairment Beach closures	Cape Neddick River Long and Short Sands Beaches	2013	Monitoring Source tracking
Town of Waldoboro, ME	Shellfish closures	Medomak River	2014	Source tracking
City of Portland, ME	Bacteria impairment	Capisc Brook	2012	Source tracking
Cumberland County SWCD	Multiple impairments	Long Creek	2009-15	Monitoring
Town of Durham, NH	Bacteria impairment	Oyster River, College Brook	2013	Source tracking
City of Portsmouth, NH	Bacteria impairment	City-wide	2013	Source tracking
Town of North Hampton, NH	Bacteria impairment Beach closures	Little River	2009-15	Monitoring Source tracking
Town of Rye, NH	Bacteria impairment Beach closures	Parson's Creek	2009-15	Monitoring Source tracking
City of Laconia, NH	Bacteria impairment Beach closures	Weirs Beach Oppechee Park Beach	2013-14	Source tracking
Town of Exeter, NH	Bacteria impairment	Wheelwright Creek	2012-14	Source tracking
Cumberland County SWCD	Bacteria impairment	Scarborough, ME	2010-11	Stream Monitoring
Sheepscot Valley Conservation	Bacteria impairment	Dyer River	2010-11	Source Tracking
Southern Aroostook SWCD	Bacteria impairment	Pearce Brook	2009-10	Modeling
US EPA	Bacteria impairment	Statewide in Connecticut and New Hampshire	2010-11	Effect of precipitation on bacteria levels
NH DES Beach Program	Bacteria impairment	Multiple waterbodies	2008-11	Source Tracking

PROJECT TEAM (KEY STAFF)

The Town of Kittery can expect that the work on this monitoring project will be completed by highly qualified scientists from FB Environmental Associates. Laura Diemer will act as the lead project manager and will be an active participant on all project tasks, including field work. Forrest Bell will serve as Principal-in-Charge for the project and will ensure the proper staff resources are available to provide the Town of Kittery with tools needed to complete the project.

FORREST BELL, FB ENVIRONMENTAL, OWNER AND PRINCIPAL SCIENTIST



Forrest is the founder and owner of FB Environmental. In this capacity, he oversees all projects and operations of the company. Forrest is a regional leader in managing watershed restoration and assessment projects. He has directed more than 220 successful environmental planning, assessment, monitoring, and restoration projects since 1991 for clients including federal and state natural resource agencies, municipalities, and non-profit organizations. Forrest founded FB Environmental in 2001 while assisting the Maine DEP with lake water quality assessments and TMDL report preparation for impaired lakes in Maine, and has since developed a consulting business that includes eight highly qualified staff persons. Forrest is a skilled presenter and facilitator, embracing the challenge of explaining and promoting effective water quality protection in New England communities. Forrest received his B.S. in Geography from the University of Southern Maine and completed his Master's coursework at the University of New Hampshire in the Natural Resources Management program.

LAURA DIEMER, FB ENVIRONMENTAL, PROJECT MANAGER AND MONITORING LEAD



Laura manages our lake and river water quality monitoring and assessment projects and supports our work in watershed planning, stream restoration, GIS mapping, nutrient loading modeling, wetland delineation, and climate change adaptability. Laura rejoined FB Environmental in July 2014 after completing an M.S. in Soil and Water Resource Management from the University of New Hampshire (UNH). Her research at UNH focused on understanding biogeochemical cycling of carbon and nutrients in fire-impacted boreal stream in Central Siberia. She received a B.S. in Ecology and Environmental Science from the University of Maine in 2010 and gained valuable research and writing experience through employments for the national park service, New England Organics, Wells National Estuarine Research Reserve, and the Nature Conservancy.

LAUREN BIZZARI, FB ENVIRONMENTAL, PROJECT SCIENTIST



Lauren completed the tributary sampling within the Spruce Creek Watershed in 2015 and will be assisting with this project. Lauren joined FB Environmental in May 2015. She received an M.S. in Environmental and Plant Biology in 2013 from Ohio University, where she evaluated the reintroduction success of blight-resistant American chestnut (*Castanea dentate*). She also completed a B.A. in Biology from Colby College in 2009 and returned to her alma mater in 2013 as a

lab manager for an ecological research lab. Lauren has many years of field work experience from a diverse range of research projects, including a forest management experiment in northern Wisconsin and a study of groundwater nitrogen removal on the shoreline of Cape Cod. As part of the FBE staff in our Portsmouth, NH office, Lauren has contributed to projects involving lake and stream water quality monitoring, stormwater sampling, restoration planning, invasive species control, natural resource inventories, and GIS mapping.

PROJECT SCOPE OF WORK

We believe that the following tasks are important to the successful continuation of a water quality assessment and bacteria source tracking study in the Spruce Creek watershed. These tasks were developed to target areas consistently identified as “hotspots” of bacteria contamination over the last 10 years of sampling in the watershed. Additionally, conversations with Town staff have indicated several major changes will take place near these hotspots in 2016, which may affect non-point sources of pollution to these locations. 2016 will be a crucial monitoring year in these areas to determine if changes in the watershed will impact bacteria inputs to Spruce Creek. The tasks below outline our technical approach for completing the components of the project. In appreciation of the strong monetary commitment to monitoring work that the Town of Kittery has made over the last several years, we recommend a scope of work for 2016 with a reduced overall budget. We have budgeted \$15,735 for the Scope of Work to include the following tasks (see budget detail below):

SCOPE OF WORK

TASK 1: Bracket Sampling

FB Environmental will conduct bracket sampling and analysis at three selected hotspots in the Spruce Creek watershed: Chickering Creek (four sites), Upper Estuary/Picott Road Stream (three sites), and Mill Cove/Manson Avenue (one site). This analysis will include bacteria sampling on six sampling dates (three under wet weather conditions and three under dry weather conditions). Additionally, two catch basins located upstream of the Mill Cove site will be sampled on two dates (one wet weather and one dry weather).

Chickering Creek – The downstream sampling location in this area (CC1) had the third highest overall geometric mean in 2015, with high bacteria counts in both wet and dry weather, suggesting inputs from both stormwater (including outfalls near the intersection with Interstate 95) and potentially malfunctioning septic/sewer. Historical annual geometric means also exceeded the State criterion for *E. coli*. Both canine detection (2013) and DNA analysis (2015) have indicated human fecal contamination in this area. Many of the residences in the Chickering Creek drainage are set to discontinue private septic or overboard discharges and will be connected to Town sewer beginning in spring 2016.

Mill Cove/Manson Avenue – A downstream sampling location in this area (MC1) had the highest overall geometric mean in 2015, with alarmingly-high bacteria counts in both wet and dry weather. Historically, other outfalls in this area (along Manson Avenue) have had high bacteria

counts as well. Both canine detection (2013) and DNA analysis (2015) have indicated human fecal contamination in this area. This drainage has been the focus of intense investigative efforts by both the Town and FBE since 2012, including smoke tests of the sewer and stormwater systems. In 2014, smoke tests indicated that there may be a leaky sewer connection in the area as smoke was observed coming out of stormwater catch basins during a test of the sewer system (CB 1795).

Upper Estuary/Picott Road Stream – The upper portion of the Spruce Creek estuary (PICOTT) had the second highest overall geometric mean in 2015. An unnamed tributary along Picott Road has also shown high bacteria counts in the past. DNA analyses from PICOTT (2015) suggested Canada geese as a bacterial source, though canine detection (2013) indicated possible human sources in select sites in this area. Several small to medium-size agricultural fields are located nearby; runoff from these fields (either migratory geese or domestic animals) may be bringing bacteria to the tributary and ultimately to Spruce Creek. As such, the source of these high bacteria counts may be a mix of both human and non-human (e.g., wildlife, domestic animals) sources.

TASK 2: Microbial Source Tracking (MST)

FB Environmental will use microbial source tracking (MST) at three locations in the Upper Estuary/Picott Road Stream drainage area to further pinpoint the source of bacteria by testing for bovine (cow), human, and Canada geese DNA. This analysis will include sampling on two of the six bracket sampling dates from Task 1 (one under wet weather conditions and one under dry weather conditions).

TASK 3: Main Channel Analysis

FB Environmental will continue the analysis of the main channel of Spruce Creek that began in 2012. This analysis will include the deployment of two continuous data loggers at two locations in the main channel of the creek (upper and mid-estuary) to determine the overall water quality. Grab samples for bacteria and nutrients will also be collected at each location. Deployments will be targeted for August-September 2016, depending on weather conditions. All data will be combined with previous data to assess impairment status and determine if the water quality in the main channel of Spruce Creek is significantly changing.

TASK 4: Reporting

FB Environmental will prepare a final report detailing all work completed throughout the project.

PROJECT SCHEDULE

The project schedule is presented in Table 2. The proposed project will run from June-December 2016.

TABLE 2. Proposed 2016 Project Schedule

TASK	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
TASK 1: Bracket Sampling							
TASK 2: MST							
TASK 3: Main Channel Analysis							
TASK 4: Reporting							

PROPOSED BUDGET

As shown in Table 3, the base project budget will not exceed \$15,735 for the Scope of Work outlined in this proposal. All project funds will count as match for the Maine DEP watershed assistance grant recently received by the Town of Kittery.

TABLE 3. Proposed Project Budget

Task	Staff Hours/ Mileage	Hourly Rate	Cost
Task 1: Bracket Sampling and Analysis			
Laura Diemer, Project Manager	6	\$80	\$480
Lauren Bizzari, Project Scientist	8	\$67	\$536
Field Technician	24	\$30	\$720
Mileage	380 miles	0.55	\$209
Lab Fee - Bacteria Samples			\$1,240
Equipment Rental/Supplies			\$215
TOTAL			\$3,400
Task 2: Microbial Source Tracking*			
Laura Diemer, Project Manager	4	\$80	\$320
Lauren Bizzari, Project Scientist	2	\$67	\$134
Field Technician	5	\$30	\$150
Mileage	90 miles	0.55	\$50
Lab Fee - MST Analysis (UNH)			\$900
Equipment Rental/Supplies			\$5
TOTAL			\$1,559
Task 3: Main Channel Analysis			
Laura Diemer, Project Manager	32	\$80	\$2,400
Lauren Bizzari, Project Scientist	10	\$67	\$536
Mileage	36 miles	0.55	\$20
Lab Fee - Bacteria and Nutrient Samples			\$1,515
Equipment Rental/Supplies			\$4,000
TOTAL			\$8,471
Task 4: Reporting			
Laura Diemer, Project Manager	7	\$80	\$560
Lauren Bizzari, Project Scientist	18	\$67	\$1,206
Field Technician	18	\$30	\$540
TOTAL			\$2,306
GRAND TOTAL			\$15,735

*labor/mileage costs only for driving samples to UNH; sampling labor/mileage covered by Task 1

REFERENCES

JESSA KELLOGG, Shoreland Resource Officer

Town of Kittery, Maine

(860) 420-9039

Email: jkellogg@kitteryme.org

WENDY GARLAND, Watershed Assistance Section

Maine Department of Environmental Protection

(207) 822-6300

Email: wendy.garland@maine.gov

PHYLLIS FORD, President

Spruce Creek Association

(207) 438-9633 or (207) 229-6050

Email: phyllis@sprucecreekassociation.org

REPRESENTATIVE PROJECTS

FB Environmental has extensive water quality monitoring, bacteria source tracking, pollutant modeling, and watershed management experience. We provided references for recent monitoring and assessment projects we have conducted. Our contacts are people who are vital to managing water resources in New England and represent several disciplines. We strongly encourage reviewers to contact our references and to engage in lengthy discussions regarding our work.

SPRUCE CREEK WATERSHED-BASED MANAGEMENT PLAN, GRANT IMPLEMENTATION, BACTERIA SOURCE TRACKING, AND WATER QUALITY MONITORING

Contact: Jessa Kellogg, Kittery Shoreland Zone Officer (207) 439-0333

Since 2005, FB Environmental has been assisting the Town of Kittery, the Spruce Creek Association, and their partners with assessment and restoration of this bacteria-impaired estuarine waterbody. In 2005, FBE developed a Watershed-Based Management Plan for the Spruce Creek watershed by holding a series of stakeholder meetings to identify priorities for the watershed, analyzing existing water quality data, and creating engineering designs and cost estimates for addressing high priority sites identified in a thorough watershed analysis.



This plan has resulted in the funding of implementation measures in the watershed through a series of 319 grants, including the installation of vegetated buffers and rain gardens, replacement of septic systems, and assisting with Low Impact Development (LID)

FB ENVIRONMENTAL ASSOCIATES | 2016 Spruce Creek Bracket Sampling and Main Channel Analysis

demonstration projects on the highly-traveled Route 1 corridor. FBE continues to assist the Town of Kittery and the Spruce Creek Association with the implementation of these grants.

FBE has also provided annual water quality monitoring and bacteria source tracking project design and implementation to the Town of Kittery and the Spruce Creek Association since 2005. FBE also assists Kittery with grant writing, fundraising efforts, and GIS mapping.

BACTERIA ASSESSMENT AND SOURCE TRACKING IN RYE, NH

Contact: Kim Reed, Director of Planning, Town of Rye, NH (603) 964-5523

As shown in Table 1, FB Environmental has been working for multiple municipalities throughout New England for many years to address bacteria impairments and subsequent shellfish and beach closures. We specifically focus efforts on high-use summer recreation areas. One of those communities, Rye, is a coastal NH town with multiple bacteria impairments, both in the surf zone and in a tidal stream. FBE has been working with Rye since 2008 to develop a watershed plan for this area, conduct annual water quality analyses, including bacteria source tracking, and manage and implement a remediation grant from NHDES.



FBE and the Town of Rye have adopted a watershed approach to addressing their bacteria issues, including developing a septic system database of all properties in the watershed, installing stormwater BMPs, developing a public outreach program for residents and municipal staff, and conducting targeted bacteria sampling to identify neighborhoods of concern. These efforts have led to the successful discovery of multiple hotspots of bacterial contamination.

CANINE SCENT TRACKING TO ADDRESS BACTERIA NPS IMPAIRMENTS

Contact: Robert Puff, Director of Engineering, Town of Salem, NH (603) 890-2150

FB Environmental frequently works to assess and implement projects in bacteria-impaired waterbodies in New England and felt that the process for locating sources was often time-consuming and costly. Since 2012, we have worked with Environmental Canine Services (ECS) to bring their EPA-approved method to New England. The result of our work has been the successful, rapid-tracking of human-specific fecal bacteria sources in dozens of communities with chronic bacteria impairment and beach posting issues throughout New England. An additional benefit of these projects has been the outstanding regional and national press coverage resulting in heightened awareness of NPS issues.



FBE and ECS recently completed a comprehensive investigation of four bacteria-impaired freshwater

lakes in Salem, NH. The detailed bacteria investigation included extensive water quality sampling, a watershed survey of all potential bacteria sources, including a shoreline investigation, and canine detection.

OGUNQUIT RIVER RESTORATION PROJECT

Contact: Mike Horn, Ogunquit Conservation Commission, (207) 646-5139

FBE is working with the Town of Ogunquit, ME on a 319 Phase I/II initiative to reduce bacteria levels in the Ogunquit River, a State-listed impaired waterbody that has experienced persistent bacterial contamination from unidentified sources. The high bacteria counts and subsequent public beach advisories are attributed to nonpoint source (NPS) pollution. The goal of this project is to identify and treat potential sources of bacteria contributing to surface water contamination throughout the watershed. The Town has been proactive in maintaining a bacteria monitoring program at more than ten sites



throughout the watershed, and as a result, multiple “hotspots” with high bacteria levels have been identified. With support from the Steering Committee, this project will implement several Best Management Practices (BMPs) for stormwater mitigation within the watershed, evaluate potential areas of illicit discharge from septic and sewer systems, and administer a strong public outreach campaign to enhance local awareness of NPS pollution in stormwater.

APPENDIX A: KEY PROJECT STAFF RESUMES



FORREST BELL | PRINCIPAL SENIOR SCIENTIST



Forrest is the founder and owner of FB Environmental Associates, a regional leader in managing environmental assessment and restoration projects. With over 24 years of experience, Forrest has directed more than 200 successful environmental planning, assessment, monitoring, and restoration projects for clients, including federal and state natural resource agencies, municipalities, and non-profit organizations. Forrest is a skilled presenter and facilitator, embracing the challenge of presenting the complexities of land and water resources to New England's communities. Forrest received his BS in Geography from the University of Southern Maine and completed his Master's coursework at the University of New Hampshire in the Natural Resources Management program.

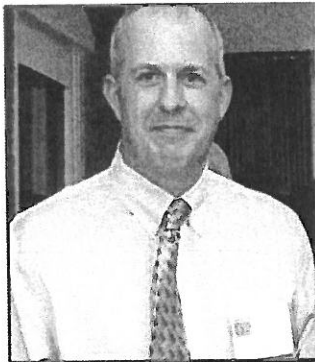
TECHNICAL EXPERTISE

- Watershed Planning
- Lake, River, & Stream Assessment and Restoration
- Section 319 Grant Writing, Management, & Implementation
- Public Presenting & Training
- BMP Design & Implementation

EDUCATION

M.S. Coursework completed, Natural Resource Administration & Management, University of New Hampshire, Durham (1999-2002)

B.S., Geography & Land Use Planning, University of Southern Maine (1991)



PROFESSIONAL HIGHLIGHTS

- Proven record of success working for clients such as US Environmental Protection Agency, US Army Corps of Engineers, Vermont Department of Environmental Conservation, Maine Department of Environmental Protection, New Hampshire Department of Environmental Services, Rhode Island Department of Environmental Management, Piscataqua Regional Estuaries Partnership, Spruce Creek Association, Friends of Casco Bay, the Casco Bay Estuary Partnership, New England land trusts, and dozens of municipalities in Maine and New Hampshire.
- Worked face-to-face with more than 5,000 landowners (including many agricultural producers) to develop conservation strategies for their properties to help improve water quality and to promote land protection.
- Advises nonprofit organizations, government, municipalities, and professional associations regarding compliance with environmental programs and laws.
- Delivered more than 100 formal presentations at numerous national, state, regional, and local water resource, watershed management, and land management conferences.
- Secured over \$7.5 million in environmental project funds between 1995 and 2015 for several organizations to help improve and protect water resources.

SELECT PROJECTS

Total Maximum Daily Load (TMDL) Assessment and Reporting US Environmental Protection Agency Region 1 BPA (2008-2013). Principal scientist and manager for a five-year, 1.6 million-dollar contract focusing on TMDL assessments of impaired waterbodies in all six New England states. Tasks included technical writing, river and stream mapping, impervious surface analysis, pollutant load modeling, and water quality monitoring for multiple parameters.

Maine Department of Environmental Protection (2000-2007). Contractor for a 6-year, \$900,000 study of nutrient-impaired Maine lakes for the Total Maximum Daily Load program for 36 Maine lakes. Lead scientist and manager responsible for all aspects of project management and administration, water quality monitoring, land use analysis, and GIS mapping, technical writing, data analysis, developing loading models, drafting nutrient management recommendations, and facilitating a comprehensive public participation process.

Watershed Management Planning & Assessment Acton-Wakefield Watersheds Alliance (2008-2010). Principal project manager for a two-year detailed lake assessment and watershed management plan completed in 2008 for the Upper Salmon Falls Headwater Lakes located on the Maine/New Hampshire border. Directed data analysis, modeling, stakeholder outreach, buildout analysis, and ID and stormwater control ordinances tasks. Awarded co-recipient of the 2012 US Water Prize for our outstanding project collaboration in the Salmon Falls River watershed communities.



FORREST BELL | PRINCIPAL SENIOR SCIENTIST

WATERSHED MANAGEMENT PLANNING & ASSESSMENT (CONTINUED)

City of South Portland, Maine (2008-2011). Project manager for the development of the US EPA merit award-winning, Long Creek Watershed Management Plan. Project tasks included developing a detailed stormwater retrofit inventory, including detailed cost estimates, developing a long-term monitoring plan, and leading a large technical advisory committee. FB Environmental also developed the QAPP and managed all aspects of the monitoring program in 2010-2011.

Casco Bay Estuary Partnership, Presumpscot River Drainage Basin (2003-2006). Co-managed a regional watershed management planning and assessment project for the Presumpscot River Watershed. Accomplishments include the authoring of an EPA-funded \$740,000 Targeted Watershed Initiative grant proposal and designing a comprehensive monitoring plan for the river, including the establishment of quality assurance guidelines and the installation of continuous monitoring devices.

York County Soil and Water Conservation District, Great Works River Watershed North Berwick and Sanford ME (2003-2007). Directed a multi-year project to conduct a high-intensity field survey and stream corridor analysis, mapped the municipal stormwater system, conducted a detailed impervious surface analysis using digital orthoquad photos, and authored a comprehensive watershed management plan for the numerous project partners.

RECENT PRESENTATIONS AND PUBLICATIONS

- 2015 Joint NEAEB/NH Water & Watershed Conference: Bacteria Source Tracking
- 2014 NH Waters Conference: Bacteria Source Tracking in Kittery, ME and Seacoast NH
- 2012 NH Drinking Water Conference: Enacting LID Ordinances in ME & NH
- 2012 Rhode Island Watershed Based Plan Final Presentation, Bristol & Barrington, RI
- 2012 Lake Wentworth Watershed Based Plan & Buildout Analysis, Wolfeboro, NH
- 2011 Statewide IC TMDL Stakeholder Presentations, Portland & Topsham, ME



LAURA DIEMER | PROJECT MANAGER, ENVIRONMENTAL MONITORING



Laura rejoined our team of scientists in 2014 after starting with FBE in 2011 and leaving over a year later to complete an M.S. in Soil and Water Resource Management from the University of New Hampshire. Her research at UNH focused on understanding biogeochemical cycling of carbon and nutrients in fire-impacted, boreal streams of Central Siberia. She received a B.A. in Ecology and Environmental Science from the University of Maine in 2010 and gained valuable research and writing experience by assisting resource managers through the National Park Service, developing reports on organic waste management at New England Organics, conducting salt marsh water quality and vegetation monitoring at Wells National Estuarine Research Reserve, and developing conservation initiatives through The Nature Conservancy. At FBE, Laura manages our lake and river water quality monitoring and assessment projects and supports our work in watershed planning, stream restoration, GIS mapping, nutrient loading modeling, wetland delineation, and climate change adaptability.

TECHNICAL EXPERTISE

- Lake & Stream Biogeochemistry & Ecology
- Watershed Hydrology
- Watershed Management & Surveys for NPS Pollution
- Water Quality Monitoring & Assessment
- Statistical Analyses
- GIS Spatial Analyses

EDUCATION

M.S., Soil & Water Resource Management, University of New Hampshire, Durham (2014)

B.S., Ecology & Environmental Science, University of Maine, Orono (2010)

MEMBERSHIPS

Society for Freshwater Science (SFS), Member (2013 - Present)

North American Lakes Management Society (NALMS), Member (2015 - Present)

PUBLICATIONS

Diemer et al. (2015). Nutrient uptake along a fire gradient in boreal streams of Central Siberia. *Freshwater Science* 34(4), 1443-56.



PROFESSIONAL EXPERIENCE

Water Quality Monitoring

Water Quality Monitor (2011 - Present). Developed over thirty water quality reports for multiple clients since 2011. Conducts full suite of water quality monitoring for lakes, streams, tidal estuaries, and beaches throughout Maine and New Hampshire, including continuous, grab, and epilimnetic core sample monitoring for physical and chemical parameters and flow monitoring using USGS guidelines; expert experience with deployment and calibration of data loggers; conducts data analysis, QA/QC, and report writing; certified Maine VLMP volunteer.

Watershed Management Plans

Ossipee Lake Watershed Management Plan Phase I: A Watershed Plan for Danforth Ponds and the Lower Bays of Ossipee Lake (2014-2015). Developed plan and conducted mapping and nutrient load modeling for recommended BMPs.

Capehart Brook Watershed Management Plan (2014-2015). Developed plan and conducted water quality analyses, pollutant load modeling, BMP prioritization, and mapping. Assisted with an in-field rapid habitat and geomorphic stream assessment.

319 Grant Implementation Projects

Ogunquit River Watershed Restoration Project Phase I (2014-2016). Provided technical assistance to the Town of Ogunquit, Maine for Phase I of a 319 grant obtained from ME DEP. Tasks include attendance at Steering Committee meetings, design of residential BMPs, coordination with landowners and Town staff, smoke testing of stormwater and sewer systems, and preparation of deliverables and final reports to the State.

Total Maximum Daily Load (TMDL) Reports

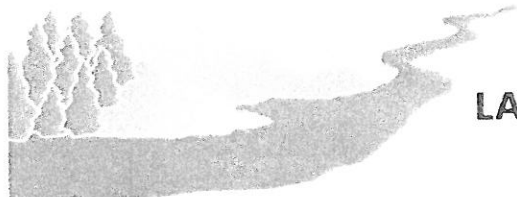
Maine NPS TMDL Stream Delisting (2014). Developed a report to the ME DEP for 6 streams in the 2013 Maine NPS TMDL that do not meet State water quality standards for dissolved oxygen, but required no nutrient or sediment loading reduction, as a result of natural conditions present.

Statewide TMDL Reports (2011-2013). Assisted with the development of nonpoint source, impervious cover, and bacteria TMDLs for ME, CT, and RI.

Wetland Classification & Delineation

Wetland & Stream Delineation (2014). Assisted with wetland delineation for projects in Portland, ME, Keene, NH, and Roxbury/Sullivan, NH. Conducted soil pit classification, plant identification, and stream high water and top-of-bank mapping.

Wetland Delineation Certificate Program Coursework (2013-2014). Intro to Field Indicators of Hydric Soils, Wetland Classification, Winter Plant ID for Wetland Boundary Determination, US Army Corps Wetland Delineator Methods, and ID of Trees and Shrubs.



LAUREN BIZZARI | PROJECT SCIENTIST



Lauren joined FB Environmental in 2015. She received an M.S. in Environmental and Plant Biology in 2013 from Ohio University, where she evaluated the reintroduction success of blight-resistant American chestnut (*Castanea dentata*) across the Central Appalachian region. She also completed a B.A. in Biology from Colby College in 2009 and returned to her alma mater in 2013 as a lab manager for an ecological research lab, where she studied the effects of habitat fragmentation on plant diversity. Lauren has many years of fieldwork experience from a diverse range of research projects, including a forest management experiment in northern Wisconsin and a study of groundwater nitrogen removal on the shoreline of Cape Cod. As part of the FBE staff in our Portsmouth, NH office, Lauren contributes to projects involving restoration planning, invasive species control, natural resource inventories, wetland delineation, GIS mapping, lake and stream water quality monitoring, and stormwater sampling and site evaluation.

TECHNICAL EXPERTISE

- Botany
- Vegetation Surveys
- Water Quality Monitoring
- Invasive Species Management
- Statistical Analyses

EDUCATION

M.S., Environmental and Plant Biology, Ohio University, Athens, OH (2013)

B.S., Biology, Colby College, Waterville, ME (2009)

MEMBERSHIPS

Ecological Society of America (ESA), Member (2011 - Present)

The American Chestnut Foundation (TACF), Member (2012 - Present)

PUBLICATIONS

Bizzari, L. E., et al. (2015). Historical agriculture and contemporary fire frequency alter soil properties in longleaf pine woodlands. *Forest Ecology and Management*. 349: 45-54.



PROFESSIONAL EXPERIENCE

Ecological Research

Laboratory Manager, Colby College (2013 - 2015). Coordinated research projects in a community and restoration ecology lab. Managed data organization and quality control, supervised undergraduate student workers. Co-supervised field crews for tree growth assessment of a forest restoration project in Costa Rica and vegetation surveys of successional habitat in Lawrence, KS.

Graduate Research Assistant, Ohio University (2011 - 2013). Conducted a follow-up study of five-year-old blight-resistant American chestnut plantations on reclaimed mine lands. Traveled to remote study sites in five different Appalachian states and coordinated fieldwork with out-of-state collaborators. Surveyed chestnut growth and survival and collected soil and leaf samples for subsequent nutrient analyses.

Field Crew Leader, University of Wisconsin - Madison (2010 - 2011). Led and organized daily field tasks, such as vegetation and forest structure surveys, for an experimental study of northern hardwood forest management. Assisted with end of season data entry using Microsoft Access and Excel.

Research Technician, Washington University in St. Louis (2009 - 2010). Surveyed woody plants and collected soil samples for a project investigating plant community assembly and recovery in longleaf pine savannas. Used GPS units and historical aerial photos to locate study sites. Completed independent research studying agricultural legacies in forest soils.

Natural Resource Inventory and Monitoring

Land Stewardship Intern, The University of Vermont (2009). Completed natural resource inventories for local land trusts as part of a team of interns. Created GIS maps of invasive species populations in the Green Mountain National Forest.

Conservation Intern, The Wetlands Institute (2008). Monitored diamondback terrapin nesting activity with a team of interns. Conducted breeding bird census as part of an independent research project.

Teaching and Educational Outreach

Co-presenter, Hardy Girls Healthy Women (April 2012). Co-designed and presented a hands-on workshop ("Ripple Effect") on aquatic ecology for 4th and 5th grade girls at a conference focused on empowering young women.

Teaching Assistant, Ohio University (2011 - 2013). Assisted with laboratory teaching, preparation, and grading for Principles of Biology, Plant Propagation, Biostatistics, and Soil Microbial Analysis.

Memorandum

TO: Town Council
FROM: Cindy L. Saklad, Finance Director
DATE: May 16, 2016
RE: Pre-payment of Taxes

Some years ago, Council approved the establishment of Kittery E-Z Extended Payments (KEEP) a plan to allow property owners to pay their taxes in eleven (11) installments beginning in July of each year and ending in May. This program now has approximately 100 people participating on an annual basis.

In March, I attended a Municipal Tax Lien training session held by MMA and learned Council must approve the KEEP plan each year at a properly called meeting (see copy of 36 M.R.S.A. §506, attached).

I therefore request Council act on the following motion:

The Kittery Town moves to authorize the tax collector and deputy tax collectors to accept the prepayment of taxes for fiscal year 2017 that are not yet due or assessed.

Maine Revised Statutes
Title 36: TAXATION
Chapter 105: CITIES AND TOWNS

§506. PREPAYMENT OF TAXES

Municipalities at any properly called meeting may authorize their tax collectors or treasurers to accept prepayment of taxes not yet committed and to pay interest on these prepayments, if any is authorized, at a rate not exceeding 8% per year; municipalities are not obligated to authorize the payment of interest on taxes prepaid under this section. Any excess paid in over the amount finally committed must be repaid, with the interest due on the whole transaction, at the date that the tax finally committed is due and payable. [1993, c. 422, §2 (AMD).]

SECTION HISTORY

1993, c. 422, §2 (AMD).

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PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.

Memorandum

TO: Town Council
FROM: Cindy L. Saklad, Finance Director
DATE: May 17, 2016
RE: Matching Grants allocation

The Town of Kittery was awarded a Land & Water Conservation (LCWF) Grant by the State of Maine for the development of multi-use playing fields and walking pathways at Emery Field. The grant requires matching funds from the Town in the amount of \$190,000 in the form of cash (\$137,000) and in-kind services and equipment (\$53,000).

The FY17 CIP allocation will provide for \$100,000 with \$37,000 provided through an appropriation from unassigned surplus. A contract for design services has been awarded to Weston & Sampson therefore a motion from Council pursuant to Section 6.09.1 of the Town Charter is requested for \$37,000 to enter into this contract.

Motion needed:

The Kittery Town Council moves to authorize in accordance with article #4, that was voted on at the June 9, 2015 Town Meeting, the release of funds from unassigned surplus in the amount of \$37,000 for the purpose of providing matching funds for the LWCF Grant award and to appropriate said funds to be deposited into Fund 2078-43510 Athletic Fields Master Plan.



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
MAY 16 2016

BY: _____

APPLICATION FOR VIEWING BOOTHS LICENSE

Name of applicant: Capital Video Corporation
(please print) RI 02910

Applicants Address: 44 Bedson Rd Cranston Telephone No.: 401-464-4800
(please print)

Business Name: Amazing.net
(please print)

Business Address: 92 Route 236 Kittery ME Telephone No.: 207-439-6285
(please print) 03904

Business Mailing Address: 44 Bedson Rd Cranston RI 02910
(please print)

Name of Owner: Capital Video Corp Name of Operator: _____
(please print) (please print)

Number of Viewing Booths to be Licensed: 8

Have you ever had a license to conduct such a business denied or revoked? Yes ___ No X

If so, describe the circumstances specifically:

Additional information: _____

\$ 1100.00 Annual License Fee: \$20.00 per Viewing Booth

SIGNATURE OF APPLICANT: [Signature] DATE: 5-11-2016

APPLICANTS NAME: Gary J. Klein J.P. F. France
(please print)

PLEASE SUBMIT THIS FORM AND APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



TOWN OF KITTERY

Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
MAY 09 2016

APPLICATION FOR VICTUALERS, INNKEEPERS, AND LODGING HOUSE OPERATORS LICENSE

BY: _____

Applicant (Sole Proprietor, Corporation, Limited Liability Co.): Mainely Meatballs LLC
(please print)

Applicant Address: 41 Myrtle St. #1 Westbrook, ME 04092
(please print)

Applicant's mailing address if different from above: _____

Date of Birth (Sole Proprietor): 12-10-64 Applicant's Telephone Number: 973-534-4033

Business Name: Mainely Meatballs
(please print)

Business Address: 375 U.S. Route 1 Kittery ME 03904
(please print)

Business Telephone Number: 207-712-9852

Signature of Applicant: J. M. Krull DATE: 5/3/16

Applicant's Name: Jean M. Krull
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE



TOWN OF KITTERY
Office of the Town Clerk
200 Rogers Road, Kittery, Maine 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

5/23
RECEIVED
MAY 16 2016
BY: _____

**APPLICATION FOR VICTUALERS, INNKEEPERS,
AND LODGING HOUSE OPERATORS LICENSE**

PLEASE PRINT THIS APPLICATION AND FILL IT OUT - DO NOT FILL IT OUT ON THE COMPUTER
Thank you.

Applicant's name: Beth Robinson
(please print)

Address: 8 Kilrea Rd Derry, NH 03038
(please print)

Applicant's mailing address if different from above: Same

Applicant's Date of Birth: 06/03/1970 Applicant's Home Telephone Number: 603-505-6293

Name of Business: New England Style Snowballs
(please print)

Business Address: same 375 U.S. Route 1, Kittery ME 03904
(please print)

Business Telephone Number: same

SIGNATURE OF APPLICANT: Beth Robinson Digitally signed by Beth Robinson
Date: 2016.05.12 12:39:28 -04'00' DATE: 05/12/16

APPLICANT'S NAME: Beth Robinson
(please print)

LICENSE FEE: \$ 50.00

FIRST TIME APPLICATIONS: \$50.00
RENEWAL OF LICENSE: \$25.00

PLEASE SUBMIT THIS FORM WITH THE APPROPRIATE FEE TO THE TOWN CLERK'S OFFICE

5123

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

DEPARTMENT USE ONLY

LICENSE NUMBER:

CLASS:

DEPOSIT DATE

AMT. DEPOSITED:

BY:

CK/MO/CASH:

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☒ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) FRISBEE HOLDINGS LLC DOB:		2. Business Name (D/B/A) Pepperrell Cove Restaurant	
DOB:		90 PEPPERRELL ROAD	
DOB:		Location (Street Address) KITTERY POINT MAIN, 03905	
Address 5 MILAW DRIVE		City/Town	State
SAUGUS MASS 01906		Zip Code	
City/Town		Mailing Address 5 MILAW DRIVE SAUGUS MASS 01906	
State		City/Town	State
Zip Code		Zip Code	
Telephone Number 781-233-2163		Business Telephone Number 617 538 1097	
Fax Number 781-231-1672		Fax Number 617 231-1672	
Federal I.D. # 264786892		Seller Certificate #	

EMAIL ADDRESS: DAMIC522@COMCAST.NET

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: _____

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 5 MILANO DRIVE SAUGUS MASS 01906

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? ~~YES~~ NO ☒

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
ALPHONSE A J DAMICO	8-27-27	BOSTON MASS

Residence address on all of the above for previous 5 years (Limit answer to city & state)

5 MILANO DRIVE SAUGUS MASS

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) _____

RESTAURANT

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 m Which of the above is nearest? SCHOOL

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____



State of Maine
Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement

**Supplemental Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

Date Filed: _____

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. Please clearly complete this form in its entirety.

1. Exact legal name:

_____ FRISBEE'S HOLDINGS LLC _____

2. Other business name for your entity (DBA), if any:

_____ Pepperell Cove Restaurant _____

3. Date of filing with the Secretary of State: _____ APRIL 22 2009 _____

4. State in which you are formed: _____ MAINE _____

5. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____

6. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
<u>ALPHONSE AJ DAMICO</u>	<u>5 MILANO DRIVE SAUGUS MA</u>	<u>8-27-27</u>	<u>0 PER</u>

7. Is any principal person involved with the entity a law enforcement official?

Yes ☐ No ☒

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____


Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:


Signature of Duly Authorized Person

4/11/2016
Date

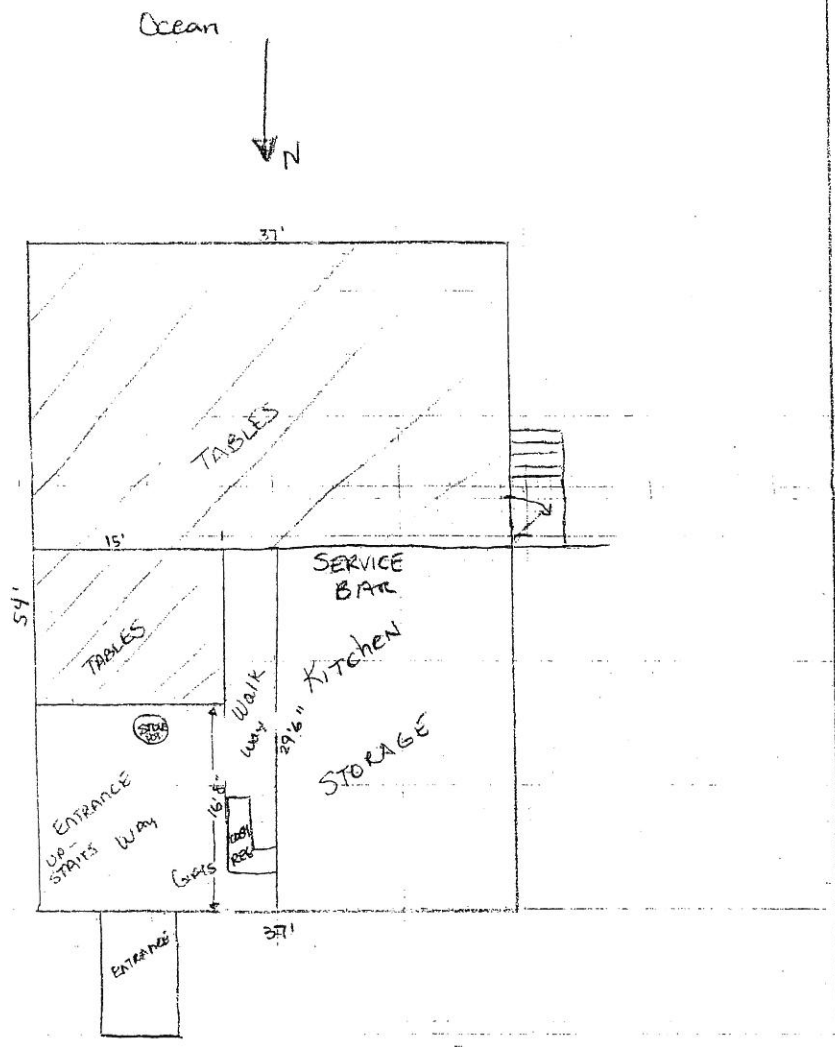
AP PHORSE AJ DANICO
Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To:

Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

FILE NO. 100-100000
 PAGE 100
 100-100000
 100-100000



First Floor - Dining Rm

Hours of Operation - Summer

Sunday - Saturday

11 am - 10 pm

Customer Access

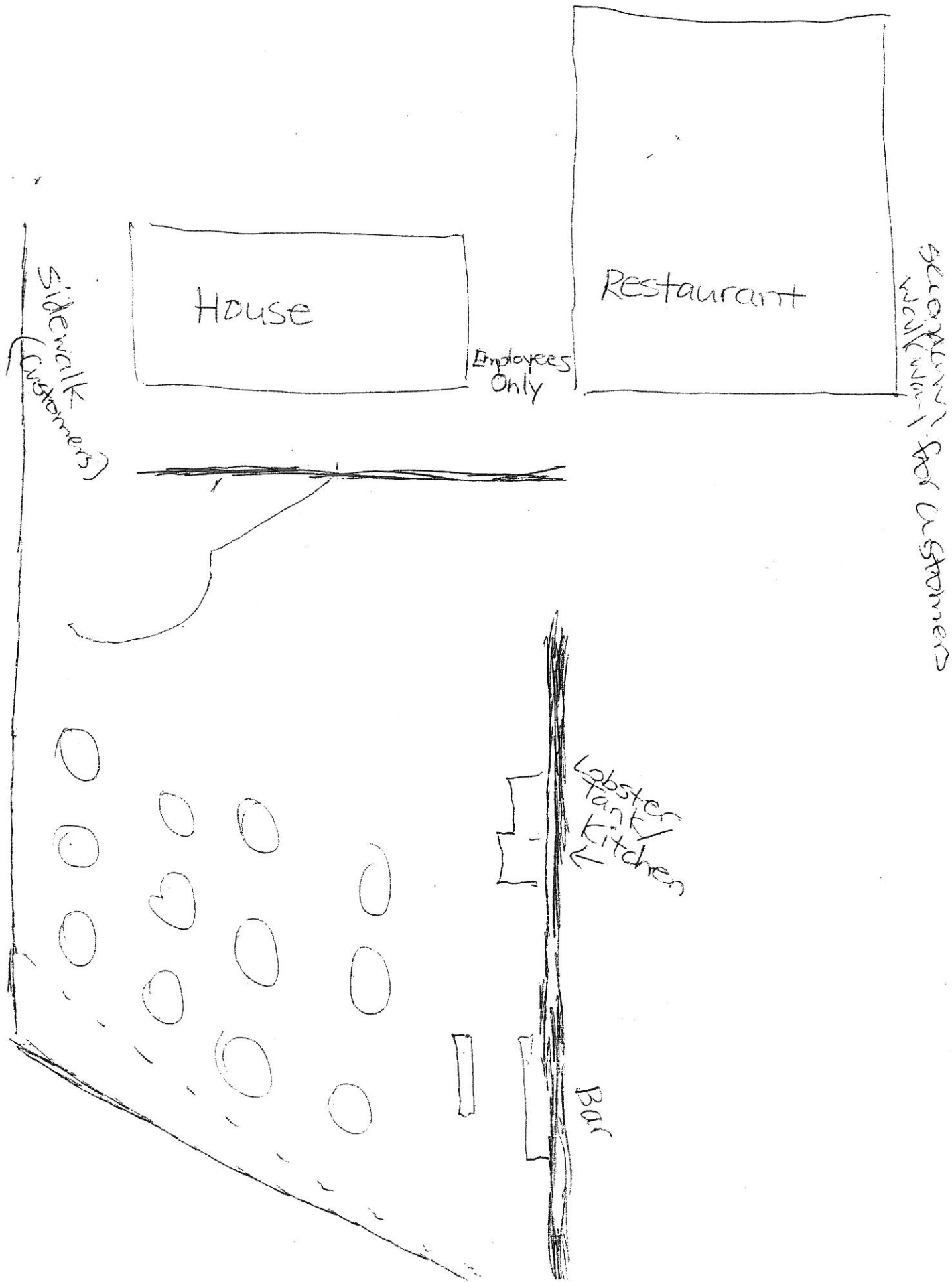
Seating Square

FOOTAGE 1099

Licensed for 125 seats

Licens

Patio



The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20 _____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE \$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and herby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class c crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592,§3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]

[1993, c.730, §27 (amd).]

3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c.730, §27 (rp).]

4. **No license to person who moved to obtain a license. (REPEALED)**

5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Maryann Place

From: Barry Fitz [bafnaf2@yahoo.com]
Sent: Thursday, May 12, 2016 10:45 AM
To: Maryann Place

Ms. Place, Please note that I withdraw my volunteer membership, representing the Kittery Board of Appeals, on the Comprehensive Plan Committee.
Barry Fitzpatrick
5/12/16

Maryann Place

From: cwilson515@aol.com
Sent: Thursday, May 12, 2016 1:28 PM
To: Chris DiMatteo; bafnaf2@yahoo.com
Cc: Russel White; Maryann Place; daphne@community-circle.com
Subject: Re: Comp Plan Committee

If Barry resigns, I will assume the BOA position on the Comp Plan Committee and relinquish my Citizen position.

Craig

-----Original Message-----

From: Chris DiMatteo <CDiMatteo@kitteryme.org>
To: Barry Fitzpatrick (bafnaf2@yahoo.com) <bafnaf2@yahoo.com>
Cc: Craig Wilson (cwilson515@aol.com) <cwilson515@aol.com>; Russel White <rbwhite@gmail.com>; Maryann Place <MPlace@kitteryme.org>; Daphne Politis <daphne@community-circle.com>
Sent: Thu, May 12, 2016 9:22 am
Subject: Comp Plan Committee

Hi Barry,

Craig Wilson was in the office this morning and mentioned you have expressed to him your intention to resign from the Comprehensive Plan Committee.

If this is the case and you don't plan to attend next week's meeting please reply to this email stating your intention to resign. Maryann, the Town Clerk needs a resignation in writing before the position can be filled.

If your mind is not made up please call and discuss with me or Russell to discuss any questions you have associated with being on the committee.

Craig, please respond to this email as well with your intent to represent the BOA on the comp plan if Barry decides to resign from the committee.

Thank you!

Chris

Christopher Di Matteo
Town Planner
200 Rogers Road, Kittery Maine 03904
(207) 439-6807 Ext. 307 / (207) 475-1307 (Direct Line)
cdimatteo@kitteryme.org



TOWN OF KITTERY, MAINE

TOWN CLERK'S OFFICE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1328 Fax: (207) 439-6806

RECEIVED
FEB 19 2016

BY: 2:59 pm

APPLICATION FOR APPOINTMENT TO TOWN BOARDS

NAME: MARISSA L. DAY

RESIDENCE: 9 MAIN STREET UNIT 3 KITTERY, ME 03904

MAILING (if different) N/A

E-MAIL ADDRESS: MARISSA.LEE.DAY@GMAIL.COM PHONE #: (Home) (603) 321-4566 (Work) (603) 227-5056

Please check your choice:

- | | |
|---|---|
| <input type="checkbox"/> Board of Appeals | <input type="checkbox"/> Board of Assessment Review |
| <input type="checkbox"/> Conservation Commission | <input type="checkbox"/> Mary Safford Wildes Trust |
| <input checked="" type="checkbox"/> Comprehensive Plan Update Committee | <input type="checkbox"/> Shellfish Conservation Committee |
| <input type="checkbox"/> Education Scholarship Committee | <input type="checkbox"/> Economic Development Committee |
| <input type="checkbox"/> Parks Commission | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Port Authority | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Personnel Board | <input type="checkbox"/> Other _____ |

EDUCATION/TRAINING: B.S.: BUSINESS ADMINISTRATION, AS: RESTAURANT MGMT

RELATED EXPERIENCE (Including other Boards and Commissions) _____

PUBLIC SERVICE FOR FEDERAL GOVERNMENT

PURSuing A DEGREE IN COMMUNITY DEVELOPMENT (SEE ATTACHED RESUME)

PRESENT EMPLOYMENT: NH AIR NATIONAL GUARD, PEASE ANGB
NEWINGTON, NH 03802

ARE YOU A REGISTERED VOTER OF THE TOWN OF KITTERY ☒ Yes ☐ No

ANY KNOWN CONFLICT OF INTEREST (please read back of application): _____

NONE

REASON FOR APPLICATION TO THIS BOARD: ALIGNS W/ MY DESIRED INTERESTS AND CAREER TRACK

I HAVE ☒ HAVE NOT ☐ ATTENDED AT LEAST TWO MEETINGS OF THE BOARD FOR WHICH APPLICATION IS BEING MADE. I AGREE TO ATTEND ALL MEETINGS, EXCEPT FOR SICKNESS OR EMERGENCY, AND WILL ADVISE THE CHAIRPERSON WHEN I AM UNABLE TO ATTEND, IF APPOINTED.

Please read the back of this application before signing.

[Signature]
SIGNATURE OF APPLICANT

19 FEBRUARY 2016
DATE

Title 30-A: MUNICIPALITIES AND COUNTIES

§2605. Conflicts of interest

1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest.

4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.

When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation.

A. This subsection does not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves.

6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

MARISSA L. DAY

9 Main Street Unit 3 – Kittery, ME 03904 – 603.321.4566 – Marissa.Lee.Day@gmail.com

OBJECTIVE

To develop a community-centric career in public service, not-for-profit, or entrepreneurial ventures.

EDUCATION

University of New Hampshire, Peter T. Paul College of Business and Economics, Durham, NH

Bachelor of Science, May 2015

Major: Business Administration, Concentration: Information Systems & Business Analytics

Relevant Coursework: Microeconomics, Financial Management, Organizational Behavior

Nashua Community College, Nashua, NH

Associate Degree, December 2010

Major: Restaurant Management, Phi Theta Kappa Honor Society

Relevant Coursework: Macroeconomics, Statistics, and Financial Accounting

Les Roches School of Hotel Management, Crans-Montana, Switzerland

Spring 2009; 1 of 2 students selected to participate in program

UNDERGRADUATE RESEARCH

Independent Study, Spring 2015

Developed a thorough business plan for a small scale restaurant by evaluating market trends, analyzing data, retrieving supply sources and collaborating with the Small Business Development Center.

Corporate Project Experience, Spring 2014

Conducted an in-depth analysis of the production support triage process at Bottomline Technologies in Portsmouth, NH. Collaborated with 2 team members to formulate an effective 3-tier system and recommended strategized solutions for identified problem areas at the Director level.

Research Experience, Fall 2013

Created a Microsoft Access query linked to an external data source to report the real-time status of the NH Air National Guard operating, maintenance, and military personnel budget totaling \$45 million.

RELEVANT EXPERIENCE

Contract Specialist, NH Air National Guard, Newington, NH

April 2015 – *Present*

- Responsible for procurement of commodities and services using acquisition procedures in compliance with federal, defense, and agency regulations
- Finalizes statements of work via thorough market research of trends, supply sources, and trade information
- Evaluates cost and pricing data, contractor offers, and past performance
- Monitors contractor performance ensuring legal compliance, scheduled delivery periods, and timely invoicing

Financial Management Journeyman, NH Air National Guard, Newington, NH

June 2011 – March 2015

- Developed military pay internal procedures from scratch later identified as a major strength in the 2015 Unit Effectiveness Inspection
- Managed travel program for 1,200 civilian and military travelers including 7 subordinate administrators
- Completed individual career training ahead of schedule specialized in fiscal law, financial management systems, pay and travel entitlements, contingency operations and government regulations

Sales & Use Tax Client Services Intern, Automatic Data Processing, Inc., Salem, NH

May 2012 – August 2012

- Ensured data integrity by collaborating with clients and service representatives
- Wrote SQL queries to generate reports regarding deployed products and revenues
- Software used daily: Microsoft Access, Clientele 8.5 and Crystal Reports

Web Copy Writer and Marketing, Sharper Selling, Nashua, NH

July 2008 – April 2012

- Wrote semi-weekly articles featuring lodging and activities throughout New England
- Monitored web traffic and developed marketing methods for partner companies to drive page views and revenue

COMMUNITY INVOLVEMENT

Zombie Wrangler, Portsmouth Thriller Group

August 2014 – *Present*

- Choreograph and teach a 35-person performance as a tribute to Michael Jackson's music
- Performances include the Portsmouth Halloween Parade, Rye Holiday Parade, Portsmouth Holiday Parade, and various flash mobs for more than 10,000 spectators
- Responsible for administrative duties including fundraising, coordinating rehearsals, and interactions with local businesses and donors

Pease 7K Committee Member, Pease 7K Road Race & Kids Fun Run

May 2013 – *Present*

- Manage registration booth for over 100 registrants on race day
- Record and disseminate monthly meeting minutes to all committee members
- Help develop and maintain website to promote increased participants

Blood Donor, American Red Cross

August 2011 - *Present*

- Donated 15 pints of A+ blood and 1 unit of platelets helping save up to 45 lives

Soccer Coach Assistant, Mississippi Coast Special Needs Soccer Association

October 2011 – November 2011

- Volunteered over 40 hours by assisting soccer coaches during practices and games

AWARDS & CERTIFICATIONS

- Awarded Distinguished Graduate and November 2011 Student of the Month at the Financial Management Comptroller Squadron at Keesler Air Force Base in a class of more than 90 students
- Received bartender's license through Boston Bartender's School in March of 2008

Maryann Place

From: Paul Lucy [p.lucy616@gmail.com]
Sent: Wednesday, May 04, 2016 4:01 PM
To: Maryann Place
Cc: Ken Linscott; Robert Harris; John Delio
Subject: Personnel Board

Maryann, This is to request that you accept my resignation from the Kittery Personnel Board effective this date. As indicated earlier, there is a strong likelihood that I will no longer be a resident of Kittery after July.

Thank you, Paul Lucy

Sent from my iPad



200 Rogers Road, Kittery, ME 03904
207-439-3800 • Fax: 207-439-1780

Recreation Director/GM Janice Grady
Assistant Director Jeremy Paul

To: Carol Granfield, Town Manager
Kittery Town Council Chairman Gary Beers
Kittery Town Councilors
From: Jeremy Paul, Asst. Director/Asst. GM
Re: Kittery Block Party Sign Permit Request
Date: May 9, 2016

The 2016 Kittery Block Party is scheduled for Saturday, June 18th.

The Kittery Block Party Committee is requesting authorization from Council to place a banner across Rogers Road in front of the Kittery Community Center for the Kittery Block Party from June 6th to June 20th, 2016.

The Kittery Block Party is a celebration of local art, culture and food that fosters lasting relationships and strengthens community in a fun neighborhood atmosphere enjoyable to all ages. The Kittery Block Party will feature artisans, artists, non-profits, area farmers, and restaurants – with an emphasis on “local” – as well as other community involvement. There will be a children’s area, live entertainment throughout the day, demonstrations and educational exhibits. This event is sure to entice, educate, and entertain all ages. KBP is a rain or shine event, and there is no admission fee.

Vendor booths will be set up in well-known downtown Kittery. This easily navigable neighborhood will host booths and entertainment from Government Street through Wallingford Square and up Walker and Wentworth Streets. The Block Party’s main venue is compact and walkable, making everything easily accessible from the centrally located main stage area on the corner of Walker Street and Government Street.



120 Rogers Road, Kittery, ME 03904
207-439-3800 • Fax: 207-439-1780

Recreation Director/GM Janice Grady
Assistant Director Jeremy Paul

To: Carol Granfield, Town Manager
Kittery Town Council Chairman Gary Beers
Kittery Town Councilors
From: Jeremy Paul, Assistant Director/Assistant GM
Re: Kittery Block Party Sign Permit Requests
Date: May 18, 2016

The 2016 Kittery Block Party is scheduled for Saturday, June 18th.

The Kittery Block Party Committee is requesting authorization from Council to place banners at the following locations to help publicize the event. All locations will place the banner at their respective establishments. All establishments are playing major roles in the sponsorship of this Community Event. We'd like to have the banners up from June 6-June 20.

The locations are:

Rice Public Library-each building location
Bob's Clam Hut
York Hospital Kittery
Kittery Trading Post
Kennebunk Savings
Lil's Café

In addition, the Kittery Block Party Committee is requesting authorization from Council to post directional signs/arrows in the traffic circle and other spots around town. These stake signs would be posted Friday night/Saturday morning and be picked up immediately at the conclusion of the Block Party.

The Kittery Block Party is a celebration of local art, culture and food that fosters lasting relationships and strengthens community in a fun neighborhood atmosphere enjoyable to all ages. The Kittery Block Party will feature artisans, artists, non-profits, area farmers, and restaurants – with an emphasis on “local” – as well as other community involvement. There will be a children's area, live entertainment throughout the day, demonstrations and educational exhibits. This event is sure to entice, educate, and entertain all ages. KBP is a rain or shine event, and there is no admission fee. This year's event also includes a 5K Road Race to begin at 5:00pm.

Vendor booths will be set up in well-known downtown Kittery. This easily navigable neighborhood will host booths and entertainment from Government Street through Wallingford Square and up Walker and Wentworth Streets. The Block Party's main venue is compact and walkable, making everything easily accessible from the centrally located main stage area on the corner of Walker Street and Government Street.

2016 VICTUALER'S LICENSE RENEWAL LIST

<u>INSPECTION</u>	<u>BUSINESS</u>	<u>APPLICANT</u>
<u>Passed</u>	7 Eleven 32530 B 169 State Road 439-5767	Attn: Don Chabot DMC Convenience Store Inc. P.O. Box 255 Kittery ME 03904
<u>Passed</u>	AJ's Wood Grilled Pizza 68 Wallingford Square 439-9700	The Ares LLC 68 Wallingford Square Kittery ME 03904
<u>Passed</u>	Amato's 103 US Route 1 Bypass 439-2168	Mac's Convenience Stores LLC P.O. Box 347 Columbus IN 47202
<u>Passed</u>	Anju Noodle Bar 7 Wallingford Square #102 207-703-4298	Sonmat, Inc. 7 Wallingford Square #102 Kittery ME 03904
<u>Passed</u>	Anneke Jans 60 Wallingford Square 439-0001	Kittery Foreside LLC 60 Wallingford Square Kittery ME 03904
<u>Passed</u>	Badger's Island Pizza 3 Island Ave 439-5996	Badger's Island Pizza LLC 30 Remicks Lane Kittery ME 03904
<u>Passed</u>	Bagel Caboose 176 State Road 439-5309	Bagel Caboose II, LLC 20 High Pasture Road Kittery Point ME 03905
<u>Passed</u>	BBQ Barn 181 State Road 475-7360	William & Lois Widi 34 Sandy Hill Lane Eliot ME 03903
<u>Passed</u>	Beach Pea Baking Company 53 State Road 439-3555	Beach Pea Baking Company LLC 53 State Road Kittery ME 03904
<u>Passed</u>	Bedrock Lobster Pound 510 U.S. Route 1 439-9423	Betty Crawford 510 U.S. Route 1 Kittery ME 03904
<u>Passed</u>	Belle's on Wheels 10 Shapleigh Road – <u>Post Office Square</u> 508-380-4938	Belle's on Wheels LLC 20 Portsmouth Ave Stratham NH 03885

<u>Passed</u>	Bill's Original Kitchen 1 Government Street 380-4871	Clifford Elements LLC 99 B High Street Sanford ME 04073
<u>Passed</u>	Blind Pig Provisions 2 Badger's Island West 703-0079	Blind Pig Provisions LLC 2 Badger's Island West Kittery ME 03904
<u>Passed</u>	Bob's Clam Hut 315 U.S. Route 1 439-4233	Michael Landgarten 578 Haley Road Kittery Point ME 03905
<u>Passed</u>	Burger King 336 U.S. Route 1 439-5516 1-781-893-0990	Mastoran Restaurants, Inc. 2 nd Floor 822 Lexington Street Waltham MA 02452
<u>Passed</u>	Carl's Meat Market 25 State Road 439-1557	Carl's Meat Market, LLC 25 State Road Kittery ME 03904
<u>Passed</u>	Chauncey Creek Lobster Pier 16 Chauncey Creek Road 439-1030	Ronald E. Spinney 25 Goodwin Road Kittery Point ME 03905
<u>Passed</u>	Chun Ping Lau 435 U.S. Route 1, #4 439-6055	Amy Leung 435 U.S. Route 1, #4 Kittery ME 03904
<u>Passed</u>	Circle K #7065 103 US Route 1 Bypass 439-9780	Mac's Convenience Stores LLC P.O. Box 347 Columbus IN 47202
<u>Passed</u>	Circle Subs 167 State Road 439-7655	Paula Reed 167 State Road Kittery ME 03904
<u>Passed</u>	Cupcake Charlie's 345 US Route 1, Suite 10 451-9100	Cupcake Charlies LLC P.O. Box 614 Pocasset MA 02559
<u>Passed</u>	Dunkin Donuts 400 US Route 1 438-0296	Kittery Donuts LLC 369 Lafayette Road Hampton NH 03842
<u>Passed</u>	Enchanted Nights B & B 29 Wentworth Street 439-1489	Nancy Bogenberger 29 Wentworth Street Kittery ME 03904

<u>Passed</u>	Fahrenheit 225 10 Shapleigh Rd – <u>Post Office Square</u> 207-577-7273/7261	Fahrenheit 225 LLC 183 Webber Ave Lewiston ME 04240
<u>Passed</u>	Frisbee's 1828 Market 88 Pepperrell Road 508-513-8520	Bouldry Family Enterprises LLC 53 Metzler Road E. Bridgewater MA 02333
<u>Passed</u>	Global Montello Group Corp. Kittery 286 Route 1 439-6713	Global Montello Group Corp. 800 South Street, Suite 500 Waltham MA 02454-9161
<u>Passed</u>	Golden Harvest 47 State Road 439-2113	Golden Harvest, Inc. 47 State Road Kittery ME 03904
<u>Passed</u>	Henry VIII Carvery 447 US Route 1 451-9882	Henryville LLC 48 Pocahontas Road Kittery Point ME 03905
<u>Passed</u>	Island Marina Svc at Badger's Island Marina 27 Badger's Island West 439-3810	Attn: Darren LaPierre Island Marine Service 32 Route 236 Kittery ME 03904
<u>Passed</u>	Kate's Bakery and Café 1 Badgers Island West 603-396-2327	Kate's Bakery and Café LLC 1 Badgers Island West Kittery ME 03904
<u>Passed</u>	Kittery Dairy Queen 174 State Road 439-4949	Laurence Salomon P.O. Box 277 Kittery Point ME 03905
<u>Passed</u>	Kittery Food Mart 2 Shapleigh Road 439-0666	Shri Ganesh, Inc. – Sandeep Rai 2 Shapleigh Road Kittery ME 03904
<u>Passed</u>	Lil's Cafe 7 Wallingford Square #106 703-2800	Lil's LLC 315 US Route 1 Kittery ME 03904
<u>Passed</u>	Loco Coco's Tacos 36 Walker Street 438-9322	Loco Coco's Tacos Corp. 36 Walker Street Kittery ME 03904
<u>Passed</u>	Maine Meat (MEat) 7 Wallingford Square #104 703-0219	Maine Meat LLC 7 Wallingford Square #104 Kittery ME 03904

<u>Passed</u>	Maine Squeeze Juice Café 7 Wallingford Square #204 603-591-5947	Kittery Juicery LLC 7 Wallingford Square #204 Kittery ME 03904
<u>Passed</u>	McDonald's 335 U. S. Route 1 439-0301	McDonald's Restaurant c/o The Napoli Group 5 Overlook Drive Amherst NH 03031
<u>Passed</u>	Mike's Dogs 8 Dexter Lane, <u>Outlet Mall</u> 207-408-8171	Bill's Grill LLC 15 Prebble Lane York ME 03909
<u>Passed</u>	Misto 436 US Route 1 703-0606	Suzanne's Village Café & Bistro LLC 436 US Route 1 Kittery ME 03904
<u>Passed</u>	Morrison's Lobster 11 Badgers Island West 439-2501	Morrison's Lobster, Inc. 11 Badger's Island West Kittery ME 03904
<u>Passed</u>	Mrs & Me Ice Cream 400 U.S. Route 1 439-1141	Mrs & Me Ice Cream LLC 37 Route 236, Suite 105 Kittery ME 03904
<u>Passed</u>	Navy Yard Bar & Billiard 182 State Road 508-331-1259	Delta Amusement, Inc. 182 State Road Kittery ME 03904
<u>Passed</u>	Pine Tree Country Store 435 U.S. Route 1 439-2212	Lemont & Sons, Inc. P.O. Box 58 Kittery ME 03904
<u>Passed</u>	Portsmouth Harbor Inn & Spa 6 Water Street 439-4040	Astrea, Inc. 6 Water Street Kittery ME 03904
<u>Passed</u>	Ramada 2 Gorges Road 439-5555	Kittery Hotels, Inc. 2 Gorges Road Kittery ME 03904
<u>Passed</u>	Robert's Maine Grill & Market 326 U.S. Route 1 439-3339	Robert's Maine Grill LLC P O Box 630 Kittery ME 03904
<u>Passed</u>	Rudders Public House 70 Wallingford Square 603-767-5691	JK Restaurants LLC 70 Wallingford Square Kittery ME 03904

<u>Passed</u>	Secret Cove B & B 2 Lawrence Lane 439-4645	Nancy Albertson 1980 W. Cayman Road Vero Beach FL 32963
<u>Passed</u>	Starbucks Coffee #7907 306 U.S. Route 1 451-9701	Starbucks Corporation #7907 P.O. Box 34442 Tax-2 Seattle WA 98124
<u>Passed</u>	Starry Nights Bed & Breakfast 27 Wentworth Street 439-1489	Peter Lamandia 27 Wentworth Street Kittery ME 03904
<u>Passed</u>	Subway 290 U.S. Route 1 439-8511	Maine Subs, Inc. 352 Warren Ave, #7 Portland ME 04103
<u>Passed</u>	Sue's Seafood 33 Old Post Road 439-5608	Susan G. Allen 33 Old Post Road Kittery ME 03904
<u>Passed</u>	Sunrise Grill 182 State Road 439-5748	Sunrise Grill, Inc. 182 State Road Kittery ME 03904
<u>Passed</u>	Tasty Thai 182 State Road 439-9988	Tasty Thai, Inc. 599 Lafayette Road #6 Portsmouth NH 03801
<u>Passed</u>	Thai Lotus Restaurant 340 US Route 1 703-2366	Graciano's, Inc. 7 A Commercial Street Kittery ME 03904
<u>Passed</u>	The Black Birch 2 Government Street 603-320-0149	The Black Birch Inc. 2 Government Street Kittery ME 03904
<u>Passed</u>	The Corner Pub 4 Wallingford Square 439-8822	John K. Reed 139 Cass Street Portsmouth NH 03801
<u>Passed</u>	The Farm Bar & Grille 57 State Road 475-0000	BNKittery LLC 57 State Road, Suite 205 Kittery ME 03904
<u>Passed</u>	The Fire Fly Diner 435 US Route 1 207-752-1120	R.C.C.J. LLC 435 US Route 1 Kittery ME 03904

<u>Passed</u>	The Lobster Pot 301 US Route 1 229-0335	Kittery Trading Post Shops LLC 301 US Route 1 Kittery ME 03904
<u>Passed</u>	The Pointe 31 Badgers Island West 229-0335	Maine Ocean Lobster LLC 301 US Route 1 Kittery ME 03904
<u>Passed</u>	Town Pizza Restaurant 15 Wentworth Street 439-1265	Chios Pizza, Inc. 15 Wentworth Street Kittery ME 03904
<u>Passed</u>	Tributary Brewing Company 10 Shapleigh Road, Suite A 703-0093	Tributary Brewing Co., Inc. 5 Winding Brook Lane South Berwick ME 03908
<u>Passed</u>	Tulsi 20 Walker Street 451-9511	Divine Cuisines, LLC 20 Walker Street Kittery ME 03904
<u>Passed</u>	Vida Cantina 10 Shapleigh Road – <u>Post Office Square</u> 603-501-0648	Vida Cantina LLC 1 Middle Street Portsmouth NH 03901
<u>Passed</u>	Warren's Lobster House 11 Water Street 439-1630	Attn: Scott Cunningham Warren's Lobster House 11 Water Street Kittery ME 03904
<u>Passed</u>	Weathervane Seafood 306 U.S. Route 1 439-0335	Attn: Marcia Weathervane Seafood 31 Badger's Island West Kittery ME 03904
<u>Passed</u>	When Pigs Fly Pizzeria 460 US Route 1 438-7036	Rolling in the Mud, LLC 460 US Route 1 Kittery ME 03904

2015 AMUSEMENT DEVICE LICENSE RENEWAL LIST

BUSINESS

Navy Yard Bar & Billiard
182 State Road
439-7137

The Corner Pub
4 Wallingford Square
439-8822

APPLICANT

Delta Amusement, Inc.
182 State Road
Kittery ME 03904

John K. Reed
139 Cass Street
Portsmouth NH 03801

May 5, 2016

The Black Birch
2 Government St.
Kittery, ME 03904
(207) 703-2294

RE: Extension of premises for June 18th between the hours of 9am and 10pm

To Whom It May Concern,

The Black Birch, 2 Government St. Kittery, ME 03904 would like to extend our area of service to include our parking lot on the 18th of June, 2016. This date coincides with the Kittery Block Party, and as the Kittery Foreside will be closed to traffic, and our parking lot unusable as a parking lot, we would like to use the area for service for food, beer, and wine. We would like the extension to cover from 9am through 10pm to include adequate opportunity to set up and breakdown. We intend to serve food between 11 and 930pm. The area will be set with several large picnic tables and we will be using our smoker and grills again as we have for the past few years.

Currently, the area in question is clearly delineated by the building on the right, from the street, and by heavy plantings of tall grasses on the rear side. The left side from the street is marked by a low concrete wall and walkway and will be cordoned off for the day. We intend to rope the three sides with a high visibility rope and signage to enclose the parking area. (I still refer to it as our parking lot, though on that day, between those hours there will be no moving vehicles.) Entrance and egress for the public will be at a central entrance where we will have a staff member or manager posted at all times through the day.

Thank you for your consideration.

Sincerely,

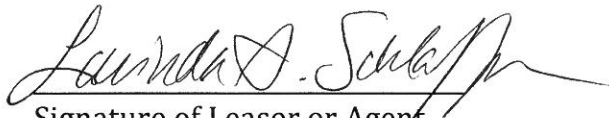
Benjamin Lord

The Black Birch
207-703-2294
eat@theblackbirch.com
2 Government St.
Kittery, ME

Ammendment To Lease

For the purpose of The Kittery Block Party, on June 18, 2016 Studio Verte, LLC assigns use of the whole parking area at the premises of 2 Government Street, Kittery, ME 03904 to the tenant The Black Birch, Inc..


Studio Verte, LLC acknowledges that the tenant is responsible for erecting and subsequently removing any temporary improvements, features, fencing, etc for the tenant's intended use of a seating and dining area for that date.


Signature of Lessor or Agent

May 4, 2016
Date

LUCINDA A. SCHLAFER

Printed Name and Title


Signature of Lessee

May 4, 2016
Date

BENJAMIN LORD, TREASURER
Printed Name and Title

JUNE 18th 2016 EXTENSION OF PREMISE, ONE DAY

BETWEEN 9am and 10pm

for SERVICE BETWEEN 11AM and 10⁰⁰pm

